



Striving for Inclusion

Addressing Environmental Justice under the 2012 Planning Rule

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Purpose and Organizational Summary

The Executive Order on Environmental Justice 12898 (Clinton 1994) provides the Forest Service with extraordinary opportunities to contribute to healthy communities. The origins of the executive order lie in reducing the potentially disproportionate negative impacts of Federal programs on minority and low-income communities. Since it was signed by President Clinton in 1994, each Federal agency has made environmental justice part of its mission (CEQ 1997, p. 1). On the 20th anniversary of the executive order, President Obama proclaimed, “By effectively implementing environmental laws, we can improve quality of life and expand economic opportunity in overburdened communities” (Obama 2014). In the proclamation, the President challenges Federal agencies to identify, aid, and empower low-income and minority communities. The Forest Service is well-positioned to meet the President’s challenge. This Environmental Justice Guide provides tools to reach the new environmental justice goals.

For new and revised land and resource management plans under the U.S. Department of Agriculture, Forest Service, 2012 Planning Rule (2012 Rule) (USDA Forest Service 2012), public participation, collaboration, and outreach to minorities and low-income populations are integral to all three phases of the planning process—assessment, plan development, and the National Environmental Policy Act (NEPA) process.

This document¹ shows, by phase, where the 2012 Rule specifies public participation, outreach, and collaboration with minority and low-income populations, referred to collectively in this document as “environmental justice populations.” An environmental justice population is a population of people or a community that meets the criterion for being considered either low-income or minority under Executive Order 12898 (Clinton 1994). An environmental justice population can be low-income or minority, or both. Definitions for these terms are provided in Section I, below.

Guidance is provided here on how to identify minority and low-income populations associated with the planning unit and area of influence, how and when to use local knowledge in conducting outreach and public involvement, and how to evaluate potential impacts to such groups.

Planning under the National Forest Management Act (NFMA) (NFMA 1976) and the 2012 Rule takes place within three distinct phases, beginning with an *assessment phase*, in which the current conditions and trends of a national forest are assessed. Planning assessments include social, cultural, economic, and ecological conditions. Assessments are followed by the *plan development phase*, in which desired conditions and other plan components are written to help

What Is Environmental Justice?

According to the U.S. Environmental Protection Agency (EPA), environmental justice includes the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

—U.S. EPA (2013),
[Environmental Justice](#).

¹ The 2012 Planning Rule and the National Environmental Policy Act (NEPA) are the primary ways the Forest Service incorporates environmental justice into its activities. This guide provides advice on environmental justice in forest planning; a companion guide (Grinspoon et al. 2014) provides up-to-date instruction for addressing environmental justice under NEPA. The information presented in both guides supports implementation of national policies and regulations.

guide future resource management decisions on the national forest. Finally, the environmental effects of the proposed plan are analyzed within the *NEPA phase*, and documented in an environmental impact statement (EIS). USDA regulations (USDA 1997) and guidance from the Council on Environmental Quality (CEQ) (CEQ 1997b) for environmental justice are primarily aimed at compliance with NEPA.

Although the first two phases of planning do not specifically cite the environmental justice executive order, vital public collaboration and outreach do occur during the assessment phase, followed by ongoing, focused collaboration during plan development. Both these early phases set the groundwork for planners to include environmental justice populations in the planning process. Public involvement (including meaningful involvement of environmental justice populations), collaboration, and analysis also take place under the NEPA phase of the planning process. By the time the NEPA phase is reached, planning teams should not only have good information on minority and low-income populations, but the planning teams should also have provided these groups with the opportunity to participate in assessment and plan development through collaboration.

Reliance on routine practices and the minimum notice and comment requirements outlined in Forest Service NEPA regulations may not be enough to achieve meaningful involvement of environmental justice populations; promotion of meaningful involvement often requires greater efforts to connect with environmental justice populations. The IDT may go beyond the traditional methods of scoping and defining “interested and affected” individuals to include environmental justice populations affected by the proposed action. If the members of the environmental justice populations are not English speakers, then the IDT Team should use translators for written and verbal communication. If the members of the environmental justice population are limited in their English proficiency, then communication with them should comply with Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency.”

Section I: Assessment Phase—Setting the Stage

Environmental Justice Outreach

The 2012 Rule specifies that planners are to collaborate and conduct outreach to low-income and minority populations, as well as to federally recognized tribal or Alaska Native groups and corporations. This collaboration and outreach begins as one of the early steps in the planning process, including the planning assessment, to help ensure equal opportunities for participation in the planning process. Under the 2012 Rule, 15 assessments are required, 10 of which relate to social and/or economic conditions and trends on the planning unit. Collaboration and outreach to environmental justice populations are meant to provide such groups an opportunity to provide input and information that may be useful for assessing current ecological, social, cultural, and economic conditions and trends on the forest; and to comment on the finished planning assessments.

Under section 219.4 (a) Providing Opportunities for Participation, (1) Outreach, the 2012 Rule states that the “responsible official shall engage the public—including Tribes and Alaska Native Corporations, . . . governments, individuals, and public and private organizations or

entities—early and throughout the planning process as required by this part, using collaborative processes where feasible and appropriate. In providing opportunities for engagement, the responsible official shall encourage participation by: . . .

- (ii) Youth², low-income populations, and minority populations. . . .
- (v) Interested or affected federally recognized Indian Tribes or Alaska Native Corporations. . . .”

Section 219.4 Requirements for Public Participation states that such participation shall include opportunities to participate in the assessment process; in the development of a plan proposal, including a monitoring program; and in determination of the environmental impacts associated with the NEPA process and the resulting environmental impact statement. Outreach is meant to ensure that the planning process is open and collaborative. Collaboration, in the context of land management planning, falls within the full spectrum of public engagement described in the CEQ publication, *Collaboration in NEPA—A Handbook for NEPA Practitioners* (CEQ 1997a).

Identifying Environmental Justice Populations Within the Planning Area

Section 219.4 also states that the responsible official should use contemporary tools such as such as the Internet to engage the public, and should share information in an open way with interested parties. In order to reach out to, collaborate with, and conduct public involvement with the groups defined in the 2012 Rule, planners need to define minority and low-income populations, and then identify those groups within the plan area of analysis. The Economic Profile System—Human Dimensions Toolkit (EPS-HDT, described below)(Headwaters Economics 2013) is recommended for identifying environmental justice populations and to determine their size and makeup.

For more detailed step-by-step instructions to help identify environmental justice populations, see *Striving for Inclusion: Addressing Environmental Justice for Forest Service NEPA* (Grinspoon et al. 2014).

The Economic Profile System—Human Dimensions Toolkit (EPS-HDT)

EPS-HDT (Headwaters Economics 2013) is a U.S. Forest Service public domain spreadsheet tool that makes data and information crucial to environmental justice analysis readily available. EPS-HDT is easy-to-use software that runs in Excel and produces detailed socioeconomic reports. EPS-HDT uses published statistics from Federal data sources, including the Bureau of Economic Analysis and Bureau of the Census, U.S. Department of Commerce; Bureau of Labor Statistics, U.S. Department of Labor; and others. The databases are updated every year, so EPS-HDT uses the latest published statistics.

² Outreach and collaboration with “youth” are required under the 2012 Rule; however, youth are not specifically named under the environmental justice executive order. For an additional reference, see Executive Order 13045, “Protection of Children from Environmental Health Risks and Safety Risks” (Clinton 1997). This executive order requires that each agency “shall ensure that its policies, programs, activities, and standards address disproportionate risks to children.” It considers that physiological and social development of children makes them more sensitive than adults to adverse health and safety risks and recognizes that children in minority, low-income, and indigenous populations are more likely to be exposed to, and have increased health and safety risks from, environmental contamination than the general population.

EPS-HDT provides 14 specific reports—including Measures, Summary, and Demographics reports—which may be used to collect and summarize needed demographic, poverty, and income information. The EPS-HDT’s Demographic Report provides information on population change, demographic makeup such as race and ethnicity, poverty levels, and other topics. Data from EPS-HDT are derived primarily from the U.S. Census, American Community Survey, or other census surveys; the survey data are periodically updated. EPS-HDT also includes a specific demographics report that may be used for environmental justice analysis. This report provides a variety of data that are useful for determining if vulnerable communities are present in the planning area.

The EPS-HDT Demographic Report is capable of providing statistics at the national, State, tribal, county, sub-county, city, and town levels. Usually, for a forest plan, counties having a direct geographic association with the planning area’s national forest boundaries would be the appropriate scale at which to conduct an EPS-HDT search for environmental justice communities. In some cases, discrete minority or low-income populations may be present in the planning area but may not be readily revealed at the county level. Such groups are more appropriately defined as neighborhoods, small villages, tribal lands or communities, unincorporated towns, or census blocks. EPS-HDT’s Demographic Report compiles demographic data, including data on minority status and ethnicity at such scales. Be conservative and inclusive when considering potential environmental justice populations.

Minority Populations

The USDA departmental regulations define minority as “a person who is a member of the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic.” (USDA 1997, p. 2)

In its direction on environmental justice in NEPA (CEQ 1997b), the CEQ defines a minority population as:

1. A readily identifiable group of people living in geographic proximity with a population that is 50 percent minority. The population with a 50 percent minority may be made up of one minority or a number of different minority groups; together the sum is 50 percent.
2. A minority population may be an identifiable group that has a meaningfully greater minority population than the adjacent geographic areas, or may also be a geographically dispersed/transient set of individuals such as migrant workers or Native Americans.

For use in planning, this second approach is recommended as the more inclusive approach: identify groups that have meaningfully greater minority populations than adjacent geographic areas. Small-scale minority communities, towns, villages, or American Indian reservation lands, may be located near or adjacent to planning areas. Such communities may be small, with highly concentrated minority populations, but may be located within larger counties that are predominantly non-minority. Use of the CEQ’s 50 percent rule might not uncover such communities by using county-level statistics, but these minority communities may be vulnerable to disproportional negative impacts of projects.

For step-by-step guidance on identifying minority population levels, see *Striving for Inclusion: Addressing Environmental Justice for Forest Service NEPA* (Grinspoon et al. 2014).

Example: Meaningfully Greater Minority Population

Here is an example of an identifiable group that has a meaningfully greater minority population than the adjacent geographic area. The example shows the importance of choosing the appropriate scale for the reference community.

A planning area in Colorado has a minority population of 32 percent. The total minority population of the United States is 36.3 percent; the total minority population of the Colorado is 30 percent (2010 Census). The study area's minority population is 4.3 percent lower than that of the United States; and the planning areas' minority population is only 2 percent greater than that of the State of Colorado. This study area does *not* have a meaningfully greater minority population when compared to the United States and the State populations.

Using the *county* as the reference geographic unit produces a different outcome. The total minority population of the county within which the study area is located is 10 percent. The study area's 32 percent minority population is 22 percent *more* than that of the county, which is meaningfully greater. The county is usually a reasonable geographic unit to use when looking for environmental justice populations, but in some cases a *smaller* scale than county might be necessary to uncover the meaningfully greater minority population.

Low-Income Populations

According to CEQ, a low-income population is a community or a group of individuals living in geographic proximity to one another, or a set of individuals (such as migrant workers or Native Americans), where either type of group experiences common conditions of environmental exposure or effect (CEQ 1997b). USDA departmental regulations (USDA 1997, p.2) state that low-income populations in an affected area should be identified with the annual statistical poverty thresholds from the Census Bureau's annual current population reports (Series P-60) on income and poverty.

The U.S. Census Bureau (U.S. Census Bureau 2013) defines low-income populations by the percentage of people living below poverty in a given area, which is consistent with the CEQ's environmental justice guidance.³

- Low-income status is determined by comparing annual income to a set of dollar values called poverty thresholds that vary by family size, number of children, and age of householder. If a family's before-tax money income is less than the dollar value of their threshold, then that family and every individual in it are in poverty. For people not living in families, poverty status is determined by comparing the individual's income to his or her poverty threshold.
- A low-income population is a readily identifiable group of persons living in geographic proximity at or below the thresholds set by the Census Bureau or guidelines set by the Department of Health and Human Services (U.S. DHHS 2013). Poverty thresholds are the "Dollar amounts the Census Bureau uses to determine a family's or person's poverty status." In 2013, the poverty guideline for the 48 contiguous States and the District of Columbia is \$11,490 for a one-person household and \$23,550 for a four-person household.

³ For tables showing Department of Health and Human Services guidelines for poverty, see the [Federal Register notice](#) (U.S. DHHS 2013). For more information also see "How poverty is calculated in the ACS" (U.S. Census Bureau (2013).

Use the EPS-HDT Measures, Summary, and Demographics reports to compare socioeconomic data, such as employment, income, and poverty levels for the planning area to the poverty threshold. To better understand poverty in the planning area, review the EPS-HDT Non-Labor Income Report, which provides statistics on poverty-related transfer payments such as Medicaid and welfare. Some States and counties collect reliable data that also may contribute to local analyses.

Example: Determining a Population in Poverty

Here is an example of how to determine a population in poverty. If the percentage of people living below poverty in the State is 20 percent and the percentage of people living below the poverty level in the planning area is 25 percent, then document the presence of an environmental justice population. If the percentage of people living below the poverty level in the State is less than 20 percent, this does not preclude the existence of a low-income population in the planning area. The use of common sense and local knowledge may indicate the presence of a low-income population. Common sense and local knowledge are valid data. For example, an American Indian tribe or a migrant community may constitute an environmental justice population even though the population might not be reflected in census data for measuring poverty.

Other Sources for Identifying Environmental Justice Populations

After using EPS-HDT as a preliminary step to help identify minority and low-income groups, outreach through other sources may helpful to identify environmental justice populations within the planning area. Planning units also may wish to use the following list to identify possible categories of groups for outreach. Forest supervisor offices and regional offices may maintain their own specific lists of contacts for outreach, which may fall under a number of the categories listed below.

- A. Newspapers, radio and other media, particularly media targeted to low-income populations, minority populations, or Indian tribes;
- B. Civic associations;
- C. Minority business associations;
- D. Religious organizations (e.g., churches, temples, ministerial associations);
- E. Hispano American and African American Chambers of Commerce;
- F. Environmental groups;
- G. Rural cooperatives;
- H. Business and trade organizations;
- I. Community and social service organizations;
- J. Universities, colleges, and vocational and other schools;
- K. Labor organizations;
- L. Civil rights organizations and justice organizations;
- M. Local schools and libraries;
- N. Legal aid providers;
- O. Senior citizens' groups;
- P. Homeowners, tenants, and neighborhood watch groups;
- Q. Federal, State, local, and tribal governments;
- R. Public health agencies and clinics;
- S. The Internet and other electronic media;

- T. Land grant communities;
- U. Tribal governments;
- V. County extension agents;
- W. Forest and regional tribal relations/governments coordinators;
- X. Forest Heritage Program managers;
- Y. Rangers and forest supervisors; and
- Z. Collaborative or volunteer groups organized for forest planning, recreation, and other interests.

Remember to tap Forest Service employees, including those in public affairs, for local knowledge about communities in the area. Forest staffs and line officers often have a wealth of knowledge about individual groups and minority populations in their general areas. If outreach to environmental justice communities is conducted through the collaborative process but people choose not to participate, we recommend that the planning team try to document why a particular group is not interested in being part of the process. Remember, outreach and collaboration occur throughout the planning process.

For step-by-step guidance on identifying low-income population levels, see *Striving for Inclusion: Addressing Environmental Justice for Forest Service NEPA* (Grinspoon et al. 2014).

Environmental Justice and Assessments

The 2012 Rule states that an assessment must be completed for the development of a new plan or for a plan revision (see section 219.6(b) for a full list of assessment types). Section 219.6(b)(6) Social, Cultural, and Economic Conditions states that the assessment should include the identification of demographic information for the planning area, including identification of minority, low-income, and tribal populations, as well as age demographics, for the planning area. Assessments identify and consider relevant existing information, which is documented in a report that is available to the public. See the previous section for instructions on identifying minority and low-income populations.

Understanding the minority and low-income populations associated with the planning area of analysis is part of assessing social, cultural, and economic conditions and trends for plan revision. Therefore, planners need to consider environmental justice while assessing these three areas. Social conditions include demographic patterns, population growth or decline, and race and ethnicity. Cultural conditions include factors such as race and ethnicity, tribal rights and traditions, and the traditions of a variety of ethnic groups and traditional forest users. Economic conditions include employment, income, and poverty. Each of these factors may be helpful when assessing the conditions of environmental justice populations within the planning area of analysis. The following steps are meant to guide assessments of environmental justice within this overall social, cultural, and economic assessment process.

Define the Area of Analysis

Define the area of analysis based on the general planning area. The area may include groups of counties associated with or adjacent to National Forest System (NFS) lands included in the planning area. Provide rationale for how the specific geographies to define the socioeconomic area of analysis were selected. Planners may want to list the cities, towns, villages, and neighborhoods associated with the planning unit. Other areas of consideration might include entities such as existing or former Spanish Land Grant communities (found in the American Southwest), or other lands owned or managed by specific ethnic groups (e.g., Amish

communities), or populations in nearby metro areas, if they have a specific interest in the area or resources in the planning unit. Describe the geographic scale (e.g., block, block group, tract) of data that was used and provide justification for why that scale was chosen.

Determine Whether Environmental Justice Populations Exist In the Area of Impact

Minority Populations

1. Collect socioeconomic data by using the EPS-HDT Demographic Report (Headwaters Economics 2013), which uses the U.S. Census data for the area of impact or socioeconomic data. Additional information may be available from publically available sources such as local government (city, county, State).
2. Identify minority populations in planning area. See Identifying Environmental Justice Populations for definitions of minority populations.

Low-Income Populations

Disclose the poverty thresholds as defined by the Census Bureau or the poverty guidelines as defined by the Department of Health and Human Services (U.S. DHHS 2013) for the year of socioeconomic data used. See Identifying Environmental Justice Populations, earlier, for definitions of low-income populations.

Document Environmental Justice Existing Conditions

Disclose whether environmental justice populations exist within the area of impact and disclose the methods that used to make this determination. If environmental justice populations exist, show these in a map and table format.

Document the environmental justice existing conditions as part of the social, cultural, and economic assessment report.

Section II: Plan Development Phase

The second phase of planning involves plan development. If an environmental justice population was identified during the Assessment Phase, strive to include these people in the planning process. If the data and analysis results do not indicate minority or low-income populations within the planning area, document the consideration and analysis of environmental justice populations for the planning record.

With the old forest plan and the full assessment used as a baseline, the revised plan is based on the need to change direction for resource management. This “need-for-change” is developed by comparing the old plan direction with the new assessment, as well as input and collaboration from the public, interested Federal agencies, and State and local governments. This phase of planning involves an iterative process, with feedback from multiple interests and stakeholders, through which plan components such as desired conditions are developed.

Section 219.7 of the 2012 Rule covers new plan development or plan revision. As planning units proceed through the assessment phase into plan development, minority and low-income populations and tribal communities will continue to be included throughout the outreach and collaboration process. There is no specific requirement in the 2012 Rule for developing plan components to address potential impacts to environmental justice communities; nonetheless, many parts of the 2012 Rule that address plan development and sustainability may include

resources or portions of the planning area that may be of interest to members of minority, low-income, or tribal populations.

Section 219.8 Sustainability states that the plan must provide for social, economic, and ecological sustainability within Forest Service authority and consistent with the inherent capability of the planning area. Section 219.8 (b) Social and Economic Sustainability states that the plan must include plan components, including standards or guidelines, to guide the planning area's contribution to social and economic sustainability, taking into account:

- Social, cultural, and economic conditions relevant to the area influenced by the plan;
- Sustainable recreation, including recreation settings, opportunities, and access; and scenic character;
- Multiple uses that contribute to local, regional, and national economies in a sustainable manner;
- Ecosystem services;
- Cultural and historic resources and uses; and
- Opportunities to connect people with nature.

Section 219.10 Multiple Uses states that the plan must provide for ecosystem services and multiple uses, including outdoor recreation, range, timber, watershed, wildlife, and fish, within Forest Service authority and the inherent capability of the planning area. Section 219.10 (a)(5) specifies the maintenance of habitat conditions for wildlife, fish, and plants commonly enjoyed and used by the public for hunting, fishing, trapping, gathering, observing, subsistence, and other activities (in collaboration with federally recognized tribes, Alaska Native corporations, other Federal agencies, and State and local governments).

At this stage, and through continued interaction and communication, the responsible official will likely be aware of minority, cultural, or tribal concerns about potential impacts to specific areas or resources within the planning unit. Such concerns may include, for example, subsistence resources, native plants, land grant community forest resources, grazing permits, mining reclamation, restoration and smoke impacts, or other activities with the potential to impact or limit access to important resources. If potential impacts to environmental justice communities are identified during the assessment or collaboration process, then plan components may be designed to reduce or eliminate such impacts.

During plan development, collaboration with environmental justice communities, including tribes, will help ensure that the plan not only avoids negative impacts to low-income and minority populations, but potentially may help to create positive outcomes. For example, employment opportunities from forest restoration efforts, protection of sacred sites and traditional cultural land uses, and other positive consequences can be incorporated into plan components,

Section III: NEPA Process Phase—Plan Environmental Impact Statement

Section 219.7 (C)(1) of the 2012 Rule requires that potential impacts of the forest land and resource management plan, or a revised plan, be assessed through an environmental impact

statement (EIS) in accordance with NEPA. As stated earlier in this document, the environmental justice executive order (Clinton 1994) and the agency's environmental justice policies do not mandate particular outcomes for an action; they do demand that NEPA decisions are made following full consideration of environmental justice concerns. A plan-level EIS should also provide alternatives that prevent, address, or mitigate environmental concerns, as necessary. These considerations and actions taken to address environmental justice concerns should be documented and disclosed in the decision document.

Understanding the minority and low-income populations associated with a planning area of analysis is part of describing the social, cultural, and economic affected environment and environmental consequences of the proposed plan. Again, EPS-HDT is the recommended source for compiling the information needed to identify the general demographic trends, including identification of the environmental justice populations affected by the plan.

Chapters in a typical EIS include the following:

- **Chapter 1. Purpose and Need**

A need for change related to environmental justice may be identified through collaboration, assessment, or during overall plan development. Need for change in a forest plan, used to identify the overall purpose and need, would address such environmental justice issues through a set of objectives. If such issues are identified through NEPA scoping or during the planning and development phases, document them in chapter 1 of the EIS.

- **Chapter 2. Alternatives**

Following on the purpose and need statements, and any environmental-justice-related objectives identified in chapter 1, the alternatives should describe how they will meet any environmental-justice-related objectives.

- **Chapter 3. Affected Environment and Environmental Consequences**

The environmental justice affected environment may be included as part of the general social affected environment. The social affected environment may include a detailed set of demographic statistics specific to the planning area. Demographic information on population, age, race, ethnicity, jobs, income, and poverty levels, are generally included as part of the description of existing conditions.

Affected Environment

Define the Area of Analysis

As part of the introduction, define the area of analysis based on the general planning area, as describe in Section I above. Provide rationale for how you selected the specific geographies to define the social area of analysis. Describe the geographic scale (e.g., block, block group, tract) of data that was used and provide justification for why that scale was chosen.

The affected environment chapter should include descriptions of the social conditions, demographic patterns, population growth or decline, and race and ethnicity. Cultural conditions include factors such as race and ethnicity, tribal rights and traditions, and the traditions of a variety of ethnic groups and traditional forest users. Economic conditions include employment, income, and poverty. Each of these factors can help to inform the assessment of potential impacts to environmental justice populations within the planning area of analysis. From this

perspective, the environmental justice evaluation is integrated as part of the general demographic statistics with the social and economic affected environment portion of chapter 3 of the EIS. If data highlight either a minority or a low income population in the planning area, these populations should be considered environmental justice populations, and additional efforts should be made to determine if they have concerns with the proposed plan or any of the plan alternatives.

We recommend that the environmental justice affected environment section be placed immediately following the demographic information. Such placement allows the environmental justice assessment to cite to the previously presented demographics on race, ethnicity, and poverty.

Determine Whether Environmental Justice Populations Exist In the Area of Impact

Minority Populations

1. As with the Assessment phase, collect socioeconomic data using the EPS-HDT Demographic Report, which uses U.S. Census data for the area of impact or socioeconomic data. Include the environmental justice existing conditions immediately after the general demographics section. Identify minorities and low-income populations using the race and ethnicity sections from the EPS-HDT Demographic Report for the planning area.
2. Define minority populations within the planning area. See Identifying Environmental Justice Populations, earlier, for definitions.

Low-Income Populations

1. Disclose the poverty thresholds as defined by the Census Bureau (U.S. Census Bureau 2013) or the poverty guidelines as defined by the Department of Health and Human Services (U.S. DHHS 2013) for the year of socioeconomic data used. See Identifying Environmental Justice Populations, earlier, for definitions.
2. Using the EPS-HDT Measures, Summary, and Demographics reports, compare socioeconomic data, such as employment, income, and poverty levels for the social area of analysis, to the poverty threshold or guideline.
3. Disclose whether environmental justice populations exist within the area of impact and disclose the methods that used to make this determination. If environmental justice populations exist, show these in a map and table format.

Environmental Consequences

Again, we recommend that the environmental justice environmental consequences be included as part of or immediately following the social environmental consequences. Determine whether there are high and disproportionate adverse effects:

1. Summarize potential impacts of the proposed plan by alternative;
2. List identified avoidance, minimization, and mitigation measures;
3. Summarize potential benefits of the project;
4. Disclose whether disproportionate high and adverse impacts exist within the area of impact for the proposed plan. A disproportionate high and adverse effect determination considers:

- Whether there is or will be an impact on the natural or physical environment that significantly (as the term significantly is employed by NEPA) and adversely affects an environmental justice population;
- Whether impacts may be having an effect on environmental justice populations that appreciably exceeds or is likely to appreciably exceed those on the general population or other appropriate comparison group;
- Whether the impacts occur or would occur in an environmental justice population affected by cumulative or multiple adverse exposures from environmental hazards; and
- Whether minority and low-income populations would have different ways than the general population of being affected by an alternative. Examples include unique exposure pathways or rates of exposure (e.g., from subsistence fishing), special sensitivities (e.g., to air pollution because of less access to health care and poorer control of asthma), or different uses of natural resources (e.g., for cultural, religious, or economic practices).

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