US “Promising Practices” Methodology for Engaging Disadvantaged Communities in Environmental Review Process

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US Environmental Review Process

National Environmental Policy Act (NEPA) enacted on January 1, 1970

- NEPA was the world’s **first comprehensive** national policy on the environment.
- It promotes efforts to consider **environmental amenities and values** along with economic and technical in decisions.
- It is a **procedural law**; it does not manage, protect, and regulate specific environmental resources.
• NEPA is designed to allow federal agencies to integrate analysis for other applicable US laws and regulations to allow for a concurrent process when appropriate.
NEPA has minimum standards for when to engage the Public.

Timeline

- Conduct Scoping
  - Publish Notice of Intent
  - Publish Draft EIS
  - Publish Final EIS
  - Sign Record of Decision

Recommended **45-day** public scoping period

Minimum **45-day** public comment period

Minimum **30-day** public review period

Signed at least **90 days** after publishing the draft EIS. Final decision must be publicly available.

*Environmental Impact Statement (EIS) is an EIA for actions likely to have significant impacts*
NEPA is a procedural statute.

NEPA requires Federal agencies to prepare a detailed statement on proposals for major Federal actions significantly affecting the environment.

NEPA requires Federal agencies to cooperate with States and the public.

NEPA requires Federal agencies to consider environmental issues along with technical and economic considerations in decision making.
1994  
President Clinton signs Executive Order 12898:  
*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*

**Policy:** Federal agencies must:

- Identify minority and low-income populations that may be affected by their action.
- Address the disproportionately high and adverse human health or environmental effects on those populations.
- Promote nondiscrimination in federal programs that affect human health and the environment.
- Provide minority and low-income communities access to public information and public participation.
Integrating US EJ Policy into Environmental Reviews

**SOCIO-ECONOMIC**

- Ensure that everyone is treated equitably
- Informs the decision-making process
- Promote healthy and sustainable communities
- Identify adverse effects and the significance of the effect.
- Consider Mitigation Options.
- Identify Benefits and Burdens

**NEPA**

**Low-Income**

**Minority**

**EJ**

**HEALTH**

**ENVIRONMENT**
US Interagency Tool to Assist Federal Agencies with Considering and Engaging EJ Communities
Promising Practices Elements

- Meaningful Engagement
- Scoping
- Alternatives
- Affected Environment
- Identify Minority & Low-Income Populations
- Impacts
  - Disproportionately High & Adverse Impacts
- Mitigation & Monitoring
Foundation

Meaningful Engagement
- Early and ongoing
- Adaptive and innovative approaches

Scoping
- Begin to determine affected environment
- Consider methodologies and required data sources

Defining the Affected Environment
- Appropriate range and unit of analysis
- Data Selection and interpretation
Identification

**Identifying Minority Populations**
- Methodology - No-Threshold analysis or the Fifty Percent/meaningfully Greater analysis
- Reference Communities

**Identifying Low-Income Populations**
- Methodology - Alternative Criteria or Low-Income Threshold Criteria analysis
- Data Selection
**Analysis**

**Develop Alternatives**
- Consider alternatives with least adverse impacts

**Impact Analysis**
- Scoping frames this section
- Additional data sources
- Incorporate health considerations

**Disproportionately High & Adverse Impacts**
- Definition discussion
- Two methodologies: balancing and impact-focused approaches
- Conclusions
Follow Through

Monitoring and Mitigation

- Adaptive and innovative approaches
- Transparency and sharing commitments with public

New LRT Serving Connecting two Metro Areas – EJ and LEP proficiency. Mitigation Involved.

$12 M Charleston EJ Community Benefits Agreements for Port Expansion and Intermodal Container Transfer Facilities
Companion to Promising Practices

- Identify opportunities for communities to engage with Federal agencies considering proposed Federal actions with EJ concerns

- Explain *Promising Practices* developed by Federal agencies to analyze EJ issues when conducting NEPA reviews
Questions and Comments