

Environmental Justice is Not Extinct

Integrating Disproportionate Impacts within
NEPA Documents

- Speakers
 - Jennifer Trombley Peters, AICP
 - NEPA Program Manager
 - Hillary Shaffer
 - NEPA Specialist and Project Manager

Quick Blurb about Oneida

Oneida ESC Group is a family of fully-integrated companies owned by the Oneida Nation

36 Years of Diversified Engineering, Science, and Construction Expertise

6,400+ Projects Executed

70% Exceptional and Very Good CPARS

550+ Total Staff

\$1.8B+ Awarded Work

0.75 EMR Safety Rating



Environmental Services



Engineering and Design Services



Construction Services



Technology and Professional Services

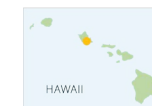


29 USACE Districts as Prime



30 Years Working for DoD as Prime

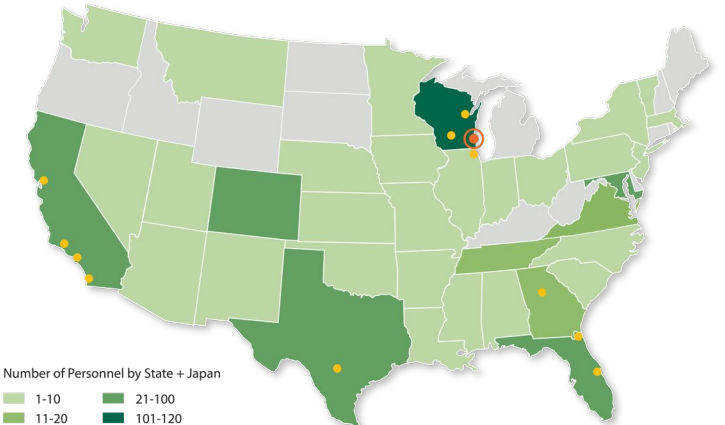
OESC Primary Office Locations



Headquarters
Offices

Number of Personnel by State + Japan

1-10	21-100
11-20	101-120



■ Objectives

- Understanding the regulatory shifts and implications resulting from the revocation of Executive Orders 12898 and 14096 and changes to NEPA
- Identify continuing obligations under non-Executive Order based requirements that require consideration of demographic and socioeconomic impacts
- Walk away with practical strategies for documenting and addressing disproportionate impacts on vulnerable communities within NEPA reviews and related federal actions

■ Rules of Engagement

- Ask questions as we go.

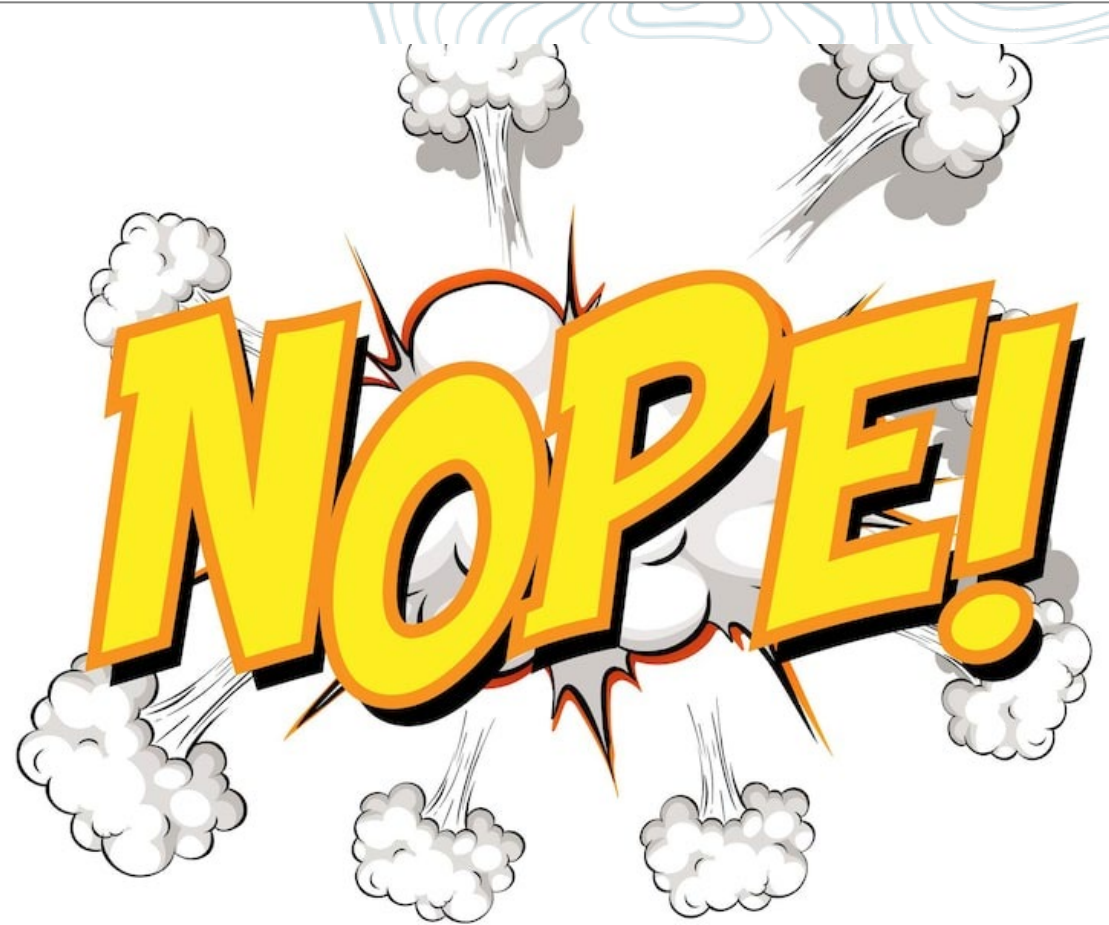
Regulatory Drivers

- We All Remember These
 - Executive Order 12898 and 14096
 - 40 CFR 1500.2(d)
- What We Have Today
 - NEPA
 - Agency Specific Regulatory Compliance
 - Title VI of the Civil Rights Act
 - State Specific Requirements

I Thought EJ within the Context of NEPA Was Dead?

Section 101(a) -

- ...foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the **social, economic,** and other requirements of present and future generations of Americans” (Section 101)(a).



Agency Specific Regulations

- USDA
 - 7 CFR 1b.2(f)(3)
 - Potentially affected environment means the condition of the physical, biological, social, and economic factors that may be impacted by an action.
 - 7 CFR 1b.11 12(i)
 - Effects include:
 - Ecological (such as effects natural resources and on the components, structures, and functioning of affected ecosystems)
 - Aesthetic
 - Historic
 - Cultural
 - Economic (such as effects on employment)
 - Social
 - Health effects
 - Effects appropriate for analysis under NEPA may be either beneficial or adverse, or both, with respect to these values.

Civil Rights Act

- Landmark federal civil rights legislation
- Signed into law on July 2, 1964
- Prohibits discrimination in multiple areas of public life
- Foundation of modern U.S. civil rights enforcement
- Organized into multiple titles
- Each title addresses a specific area of discrimination
- Different enforcement mechanisms by Title
- Several titles remain in force today
 - Title VI - Federally Assisted Programs

Title VI

“Simple justice requires that public funds, to which all taxpayers of all races [colors, and national origins] contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial [color or national origin] discrimination.”

President John F. Kennedy 1963

- Title VI is not just for transportation
 - Generally applies to any program or activity that receives federal financial assistance, regardless of whether the organization is public or private.
 - Several federal agencies administer grant funds



SINGLE FAMILY HOUSING DISASTER ASSISTANCE FUNDS



HURRICANE HELENE VICTIMS
IN TENNESSEE

UP TO \$44,000 GRANT FUNDS AVAILABLE



HOME REPAIR GRANTS

HOMEOWNERS TO
REPAIR STORM RELATED
DAMAGES



REPAIR ASSISTANCE REIMBURSEMENT

REPAIRS THAT HAVE BEEN
PAID OUT-OF-POCKET
MAY BE ELIGIBLE FOR
REIMBURSEMENT



HOME REPLACEMENT

VICTIMS THAT LOST THEIR
HOMES DUE TO THE
STORM MAY BE ELIGIBLE
PURCHASE AN EXISTING
NEW, OR BUILD NEW
CONSTRUCTION

FOR MORE INFO
RURAL DEVELOPMENT CONTACT: SM.RD.TN.SFHDIRECT@USDA.GOV
LOCAL CONTACT: **First Tennessee Development District -**
423-268-2677

Heather McCamy - hmccamy@ftdd.org or
Cindy Bacon - CBacon@ftdd.org



FEMA

Not All States Are Created Equal

- Some states also require environmental justice analysis and is “defined” as such
 - Minnesota - State Environmental Policy Act
 - Washington - State Environmental Policy Act
 - Colorado - Environmental Justice Act
 - Virginia - Virginia Environmental Justice Act
 - Pennsylvania - Environmental Justice Public Participation Policy
 - Note - Several states may not have statutes as robust as those above, but they do have councils and / or EJ web-based tools identifying EJ communities.

- So now that we know that an analysis is required, how do we weave that into our compliance document?
 - Step 1) Discuss demographic information and economic information within the socioeconomic.
 - If a disproportionate community is present, state as such and discuss the impacts. The community does not need to be designated as an “EJ” community, you are documenting the baseline, nothing more.
 - Step 2) Discuss the impacts themselves
 - Noise for example – Are noise levels increased or decreased consistently throughout the project area?
 - Recreation / Land Use – Is the only open space for a community being impacted?
 - Step 3) Are state permits required?
 - Provisions of obtaining permits are discussed within NEPA documents and can be discussed as mitigation measures. If the state requires an analysis for the permit, then the NEPA document must as well.



Contact Us / Questions



Jennifer Trombley Peters, AICP
NEPA Program Manager
jpeters@oescgroup.com
(210) 218-7010

Hillary Shaffer
NEPA Specialist
hshaffer@oescgroup.com

