

U.S. DEPARTMENT OF HOMELAND SECURITY



ENVIRONMENTAL JUSTICE ANNUAL IMPLEMENTATION REPORT FY2018

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I. Introduction

Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (Feb. 11, 1994), requires each covered agency to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.” Although the U.S. Department of Homeland Security (DHS or Department) did not exist in 1994 and is thus not an agency expressly included in the EO, DHS joined 16 other federal agencies and signed a Memorandum of Understanding on Environmental Justice¹ (EJ MOU) and EO 12898 in August 2011. By signing, DHS made achieving environmental justice a part of its mission. In accordance with EO 12898 and the EJ MOU, DHS has undertaken several commitments to further the aims of environmental justice, including publication of an agency-wide Environmental Justice Strategy² (DHS EJ Strategy) and annual progress reports³ on its implementation. This report summarizes the Department’s progress toward achieving the goals of EO 12898 during fiscal year (FY) 2018.

DHS is a member of the U.S. Environmental Protection Agency (EPA)-sponsored Federal Environmental Justice Interagency Working Group (EJIWG) and facilitates an intra-agency DHS Environmental Justice Working Group (EJWG). The DHS EJWG is co-chaired by the DHS Office of the Chief Readiness Support Officer (OCRSO) Sustainability and Environmental Programs office (SEP), and the DHS Office for Civil Rights and Civil Liberties (CRCL). To ensure nondiscrimination, the Secretary designated the environmental oversight of DHS federally conducted activities to SEP, and the lead for civil rights compliance and enforcement in federally assisted programs to CRCL.

As explained more fully in the DHS EJ Strategy, the Department approaches environmental justice through the missions and general strategic framework set forth in the Quadrennial Homeland Security Review⁴ (QHSR). The QHSR establishes the Department’s five missions, of which environmental justice considerations can arise within all areas: Prevent Terrorism and Enhance Security; Manage Our Borders; Administer Immigration Laws; Secure Cyberspace; and Ensure Disaster Resilience.

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

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

³ Department of Homeland Security, *Environmental Justice Annual Implementation Progress Report* for the periods FY 2011 through FY2017 are available at <https://www.dhs.gov/dhs-environmental-justice-strategy>.

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

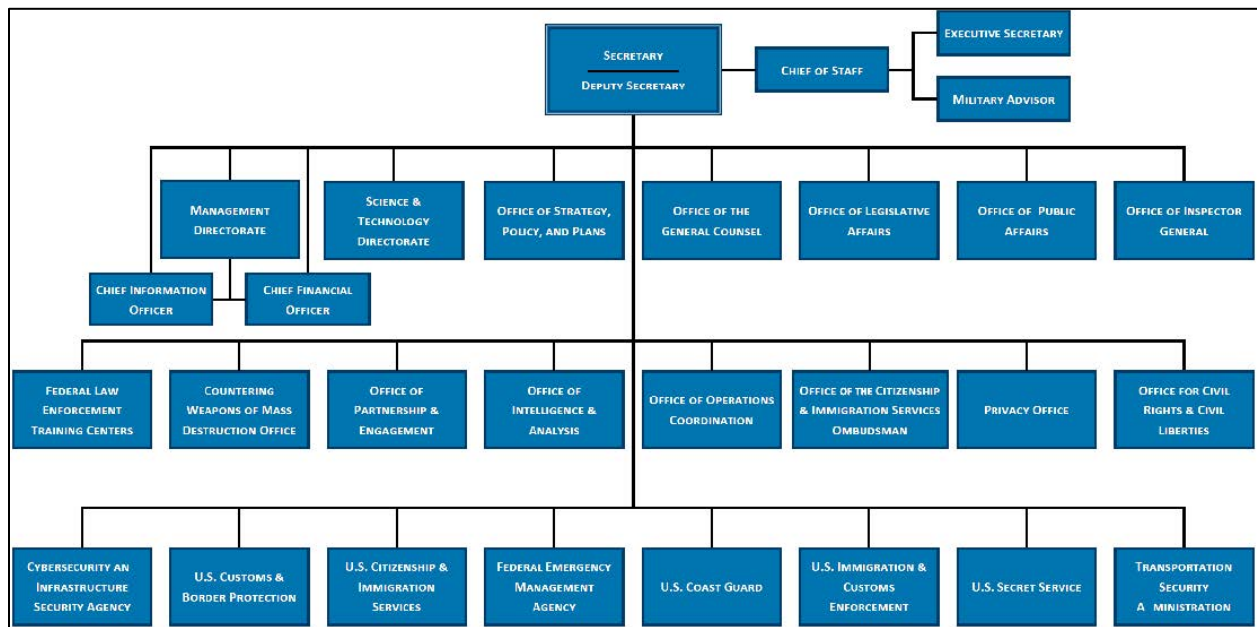
II. Legal Requirement Related to Environmental Justice

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq. and the Council on Environmental Quality (CEQ) implementing regulations at 40 C.F.R. Parts 1500-1518, require DHS to consider potential environmental effects of proposed actions on the human and natural environment. The NEPA analysis includes identifying and addressing environmental justice concerns, including human health, economic and social effects, and effects on minority and low-income communities. DHS also has a responsibility through Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq. and the DHS implementing regulations at 6 C.F.R. Part 21 and 44 C.F.R. Part 7 to ensure nondiscrimination in the Department's federally assisted programs, including those that affect human health or the environment.

III. The Department of Homeland Security

DHS has a vital mission: to secure the nation from the many threats it faces. This requires the dedication of more than 240,000 employees in jobs that range from aviation and border security and emergency response, to cybersecurity and infrastructure protection. The duties are wide-ranging with a clear goal - keeping America safe.

DHS Organizational Structure



DHS Operational and Support Components

DHS is comprised of fourteen Operational and Headquarter Support Components each with a vital mission to secure the nation from the many threats it faces.



[United States Citizenship and Immigration Services](#)

United States Citizenship and Immigration Services (USCIS) secures America's promise as a nation of immigrants by providing accurate and useful information to our customers, granting immigration and citizenship benefits, promoting an awareness and understanding of citizenship, and ensuring the integrity of our immigration system.



[United States Customs and Border Protection](#)

United States Customs and Border Protection (CBP) is one of the Department's largest and most complex Components, with a priority mission of keeping terrorists and their weapons out of the U.S. It also has a responsibility for securing and facilitating trade and travel while enforcing hundreds of U.S. regulations, including immigration and drug laws.



[United States Coast Guard](#)

The United States Coast Guard (USCG) is one of the five armed forces of the United States and the only military organization within the Department. The USCG protects the maritime economy and the environment, defends our maritime borders, and saves those in peril.



[Federal Emergency Management Agency](#)

The Federal Emergency Management Agency (FEMA) supports our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.



[Federal Law Enforcement Training Centers](#)

The Federal Law Enforcement Training Centers (FLETC) provide career-long training to law enforcement professionals to help fulfill their responsibilities safely and proficiently.



[United States Immigration and Customs Enforcement](#)

United States Immigration and Customs Enforcement (ICE) promotes homeland security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration.



[Transportation Security Administration](#)

The Transportation Security Administration (TSA) protects the nation's transportation systems to ensure freedom of movement for people and commerce.



[United States Secret Service](#)

The United States Secret Service (USSS) safeguards the nation's financial infrastructure and payment systems to preserve the integrity of the economy, and protects national leaders, visiting heads of state and government, designated sites, and National Special Security Events.



[Cybersecurity and Infrastructure Security Agency](#)

The Cybersecurity and Infrastructure Security Agency (CISA) leads the national effort to defend critical infrastructure against the threats of today, while working with partners across all levels of government and in the private sector to secure against the evolving risks of tomorrow.



[Science and Technology Directorate](#)

The Science and Technology Directorate (S&T) is the primary research and development arm of the Department. It provides federal, state and local officials with the technology and capabilities to protect the homeland.

[Management Directorate](#)

The Management Directorate is responsible for budget, appropriations, expenditure of funds, accounting and finance; procurement; human resources and personnel; information technology systems; facilities, property, equipment, and other material resources; and identification and tracking of performance measurements relating to the responsibilities of the Department.

[Countering Weapons of Mass Destruction Office](#)

The mission of the Countering Weapons of Mass Destruction (CWMD) Office is to counter attempts by terrorists or other threat actors to carry out an attack against the United States or its interests using a weapon of mass destruction.

[Office of Intelligence and Analysis](#)

The Office of Intelligence and Analysis equips the Homeland Security Enterprise with the timely intelligence and information it needs to keep the homeland safe, secure, and resilient.

[Office of Operations Coordination](#)

The Office of Operations Coordination provides information daily to the Secretary of Homeland Security, senior leaders, and the homeland security enterprise to enable decision-making; oversees the National Operations Center; and leads DHS Continuity of Operations and Government Programs to enable continuation of primary mission essential functions in the event of a degraded or crisis operating environment.

IV. Implementing Commitments of the EJ MOU Introduction

In FY 2018, DHS, as an active member of the EJIWG, worked to advance the integration of environmental justice principles throughout the enterprise and at all levels of government. Chaired by the EPA and representatives from 17 federal agencies and the White House, the EJIWG strived to engage and support local communities in addressing environmental and human

health impacts of federal programs, policies, and activities by promoting comprehensive solutions for addressing environmental justice. In FY 2018, Department environmental justice efforts focused on expanding program awareness and increasing interagency engagement with an emphasis on the focus areas discussed below.

Focus Area 1: Implementation of the National Environmental Policy Act (NEPA)

The DHS NEPA implementing procedures in DHS Directive 023-01, rev. 01, *Implementation of the National Environmental Policy Act*,⁵ require the Department to follow CEQ guidance for identifying potential environmental justice issues when conducting the review of proposed actions. OCRSO, under its delegated authority, provides governance and oversight of the program. In addition to implementing the Department's NEPA policy, OCRSO actively participates in the NEPA Committee of the EJIWG. The NEPA Committee seeks to improve the effective, efficient, and consistent consideration of environmental justice issues in the NEPA process through the sharing of best practices, lessons learned, research, analysis, training, consultation, and other experiences of federal NEPA practitioners.

On December 4, 2015, the Fixing America's Surface Transportation (FAST) Act was signed into law. Title 41 of the FAST Act,⁴² U.S.C. § 4370m et seq., referred to as "FAST-41," created a new governance structure, set of procedures, and funding authorities to improve the federal environmental review and authorization process for covered infrastructure projects. FAST-41 also established the Federal Permitting Improvement Steering Council (Permitting Council). The Permitting Council consists of members from 14 federal agencies, the CEQ, and the Office of Management and Budget. DHS is an active member of the Permitting Council.

FAST-41 covered infrastructure projects may lead to increased commercial freight transportation activity and supporting infrastructure (i.e. goods movement). Goods movement includes the distribution of freight (raw materials, parts and finished products) by all means of transportation including marine, air, rail, and truck. Goods movement facilities include seaports, inland ports, airports and land ports of entry (border crossings), rail yards, and rail lines, highways, highway truck traffic roads, pipelines, and warehouse and distribution centers. The EJIWG Goods Movement Committee is principally focused on addressing the issues and concerns of overburdened communities impacted by goods movement. In partnership with CEQ, DHS facilitated EO 13807, *Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects*, training for interagency partners on the EJIWG Goods Movement Committee in FY2018. DHS's Permitting Council engagement and NEPA expertise resulted in the EJIWG Goods Movement Committee selecting the Department as the liaison to CEQ for goods movement issues related to EO 13807 projects.

DHS Component specific efforts for environmental justice considerations and implementation of NEPA include:

⁵ See <https://www.dhs.gov/national-environmental-policy-act-nepa-department-homeland-security-implementing-procedures>

United States Coast Guard (USCG)

Analysis of environmental justice is a tenet of the USCG Bridge Program (CG-BRG) permit application review process. The USCG *Commandant Bridge Administration Manual* (COMDTINST M16590.SC) and related *Tactics, Techniques, and Procedures* documents outline the bridge permitting process, including steps related to environmental justice. In FY 2018, USCG initiated a review and update to the Bridge Administration Manual, which includes a chapter on environmental justice.

The USCG Office of Operations & Environmental Standards (OES-3) conducts NEPA reviews and develops NEPA compliance documentation for proposed deep-water port facilities in coordination with the Department of Transportation's Maritime Administration; the federal decision-maker. In FY 2018, OES-3 had one such project-the Texas Gulf Terminals deep-water port for the export of crude oil offshore of Corpus Christi, Texas. USCG received an application for this terminal in July 2018 and will evaluate potential environmental justice effects as part of the NEPA analysis.

OES-3 also participates in two international fora: the Arctic Council on the Protection of the Arctic Marine Environment (PAME) working group; and the International Maritime Organization (IMO), Marine Environmental Protection Committee and its Sub-Committee on Pollution Prevention and Response. For both the IMO and the PAME, OES-3 takes a lead role and/or provides expertise in matters pertaining to the impacts of shipping on the human and natural environment.

United States Customs and Border Protection (CBP)

In FY 2018, CBP conducted NEPA review of 150 proposed actions. The majority of actions were for maintenance/repair, minor renovation of existing border security, and travel facilities or infrastructure. CBP used USEPA EJ SCREEN, NEPAassist, and other tools to identify populations at or near a project area to consider potential effects on environmental justice communities.

Federal Emergency Management Agency (FEMA)

FEMA's Office of Environmental Planning and Historic Preservation (EHP) and Regional Environmental Officers continue to utilize and leverage the NEPA compliance process outlined in FEMA Directive (108-1) and Instruction (108-1-1), *Implementation of the Environmental Planning and Historic Preservation Responsibilities and Program Requirements*, to assist in identifying concerns specific to environmental justice. During the reporting period, FEMA prepared 35 Environmental Assessments (EAs), with completed Findings of No Significant Impact, which were added to the FEMA website for public access, FEMA took into consideration the principles of EO 12898 in all analyses and decisions.

Additionally, in 2012, FEMA initiated the process to develop the National Flood Insurance Program (NFIP) Nationwide Programmatic Environmental Impact Statement (NPEIS) to examine the impacts of proposed improvements and modifications to the NFIP. Proposed

modifications to the NFIP are needed to implement the legislative requirements of the Biggert-Waters Flood Insurance Reform Act of 2012 and the Homeowner Flood Insurance Affordability Act of 2014, and to demonstrate compliance with the Endangered Species Act. As required by the NEPA, FEMA addressed EO 12898 within the NPEIS, including an examination of potential impacts on socioeconomic resources, such as population, ethnicity, housing, and income. FEMA also analyzed program changes that have taken place since the publication of the 1976 Programmatic Environmental Impact Statement for the Revised Floodplain Management Regulations of the NFIP. In the summary of potential impacts, the NPEIS states there is a less than significant potential for impacts on environmental justice communities. This indicates that a change to resources would be measurable although the changes would be limited and localized. Impacts or benefits would be within or below regulatory standards, as applicable. Mitigation measures, such as employing best management practices or precautionary measures, would reduce any potential adverse impacts. On May 25, 2018, FEMA published in the *Federal Register* the Record of Decision (ROD) for the NPEIS. The final NPEIS and ROD can be accessed through the following web address: <https://www.fema.gov/programmatic-environmental-impact-statement>.

Intergovernmental Affairs (IGA)

The IGA tribal affairs program assists with any tribal coordination activities or requirements for DHS projects. IGA tribal affairs staff evaluate DHS activities for potential environmental justice discussion opportunities in their engagements with tribal nations and tribal organizations. This support to the Department is provided pursuant to NEPA, the National Historic Preservation Act, and other historic preservation statutes, regulations, and EOs, to include environmental justice considerations. In FY 2018, the IGA tribal affairs program coordinated meetings with the Bering Sea Tribal Elders Group to hear the challenges faced by Alaska Native Villages.

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

Title VI of the Civil Rights Act of 1964 (“Title VI”) prohibits race, color, or national origin discrimination by recipients of financial assistance from DHS. Environmental justice issues may arise in programs and activities supported through federal financial assistance. In this context, Title VI is an important tool for addressing those concerns. By delegation from the Secretary and through regulations at 6 C.F.R Part 21, CRCL leads the Department’s compliance efforts to assure that its federally assisted programs, including those that affect human health or the environment, do not discriminate based on race, color, and national origin, and comply with the affirmative requirements of Title VI and the Department’s implementing regulations.

Title VI, through its prohibition against national origin discrimination, also requires recipients of DHS financial assistance to take reasonable steps to provide meaningful access to its programs and activities for limited English proficient (LEP) persons.⁶ LEP persons (i.e., those who have a limited ability to speak, read, write, or understand English) may also be a part of low-income or minority communities that are subject to disproportionately high and adverse environmental effects. In carrying out enforcement of Title VI, it is critical for DHS to identify the intersection with environmental justice as well as to educate recipients on fulfilling

⁶ “Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.” 76 Fed. Reg. 21755 (April 18, 2011).

their language access obligations. To that end, integrating LEP persons into environmental justice efforts, such as through multilingual outreach and the regular use of competent interpreters at meetings and in other interactions, supports environmental justice goals and Title VI compliance.

In FY 2018, CRCL continued to implement the DHS-wide Title VI compliance program. Major accomplishments include:

DHS Civil Rights Evaluation Tool. CRCL, in coordination with the Federal Emergency Management Agency (FEMA) and other DHS Components, implemented the DHS Civil Rights Evaluation Tool to assist grantees and other recipients of DHS financial assistance in understanding and meeting their existing requirements under civil rights laws and regulations. In FY 2018, CRCL in coordination with FEMA and USCG began reviewing submissions from recipients, which included data on civil rights complaints, and information on policies and procedures required to fulfill various civil rights obligations. Based on the information received, CRCL and FEMA provided technical assistance and resources to recipients to address gaps in their programs and strengthen accessibility for persons with disabilities and persons with limited English proficiency.

Technical Assistance to Recipients. CRCL published several new resources to assist recipients in understanding their civil rights requirements, including:

- *Developing a Discrimination Complaints Process:* this resource outlines the basic elements of a process for reviewing and responding to complaints of discrimination from program beneficiaries (e.g., program participants, clients, customers, or consumers, etc.), and can assist recipients in developing a complaint process for their own organization.
- *Developing a language Access Plan:* this resource summarizes information in the DHS Recipient Guidance on language access and details five key elements in designing a language access plan.

CRCL published these and other resources on its webpage targeted at recipients of DHS financial assistance. For more information, visit: <https://www.dhs.gov/resources-recipients-dhs-financial-assistance>.

FEMA

The Office of Equal Rights deploys a cadre of Equal Rights Advisors (ERADs) to disaster locations to provide technical assistance and guidance on Title VI environmental justice issues. These ERADs engage with FEMA staff, communities, stakeholders, and recipients to support environmental justice compliance activities. The whole community inclusion and diversity engagement is based on the demographic data for the impacted communities. This function also supports dissemination of FEMA information, materials, correspondence, and other documents in 17 languages and accessible formats to provide access to limited English proficient (LEP) populations and persons with disabilities.

Focus Area 3: Impacts from Climate Change

DHS identified climate change as a strategic priority in its mission to prevent, protect against, mitigate, respond to, and recover from threats and hazards, as well as to build in security, ensure resilience, and facilitate customs and exchange. The Department is strategically positioned to demonstrate the inseparability of security and resilience. In FY 2017, DHS established a Resilience Tiger Team. The team consist of DHS Component and Program Office operations and management personnel. The Tiger Team is led by the DHS Deputy Under Secretary for Management who serves as the DHS Senior Leadership Environmental Justice Representative, along with the DHS Environmental Justice Senior Staff Representative serving as a standing team member and climate resilience advisor. In advancement of climate resilience, DHS and the Department of Energy (DOE) signed a MOU in FY 2018 to develop a DHS Resilience Framework and implement pilot projects. The Resilience Framework now provides a systematic approach to measuring and planning for infrastructure resilience in the areas of energy and water, facilities, mobile assets, and information communication technologies. Through these efforts, DHS aims to improve readiness and maintain continuity of operations during future catastrophic events to ensure the Department's mission of safeguarding the American people, our homeland, and our values with honor and integrity.

In response to the rash of natural disasters in FY 2018, DHS focused on facilitating interagency coordination of vulnerable community matters with USDA's Forest Service and Natural Resource Conservation Service and the EPA Office of Environmental Justice. The meetings highlighted how to further leverage federal, state, local and tribal governments, as well as the private sector, to address environmental justice and resilience. Moreover, DHS Environmental Justice Senior Staff Representatives conducted one-on-one environmental justice coaching and technical assistance with several Headquarter and Component program offices. Notably, these sessions resulted in the DHS Office of Faith Based and Community Initiatives (OFBCI) joining the Federal Interagency Interfaith Collaboration for Vulnerable Communities (IIC). The IIC strives to work collaboratively with faith-based leaders to address the environmental, public health, economic, emergency response, and other quality of life considerations for vulnerable and underserved communities.

Focus Area 4: Impacts from Commercial Transportation and Supporting Infrastructure

As stated earlier, DHS is instrumental in the movement of goods through mission activities along the nation's borders and as the grantor of certain bridge permits. In FY 2018, OCRSO and the DHS Office of General Counsel actively participated in the EJIWG Goods Movement Committee⁷. Component-specific efforts related to goods movement include:

CBP

In November 2017, CBP ceased examinations at the North America 3PL (NA3PL) Centralized Examination Station (CES), which had operated since 2014 in the Prescott neighborhood of West Oakland, California, a largely minority and low-income community. The West Oakland Environmental Indicators Project (WOEIP) and community members raised concerns over truck

⁷ Environmental Protection Agency, *EPA's Response to the National Environmental Justice Advisory Council Report: Reducing Air Emissions Associated with Goods Movement: Working Toward Environmental Justice* (June 28, 2010).

traffic and diesel emissions related to the nearby Port of Oakland and mapped and monitored these emissions with assistance from EPA, Kaiser Hospital, an environmental non-profit organization, and Google maps. The community objected to the site selection of the NA3PL CES operation due to concerns that it would route additional traffic into the neighborhood and greatly increase air emissions from truck traffic to and from the facility.

During the process to select a replacement CES, CBP provided public notice of the applications for the new CES operation and the potential new locations to over 25 community groups, churches, and other civic organizations. In July 2018, a new CES operator was selected. CBP continues to examine how to most effectively incorporate environmental justice considerations in the acquisition and contracting processes for activities with the potential to disproportionately impact low-income and minority communities. FY 2018 updates to the review process now include a disproportionate impact review.

V. Implementation of the DHS Environmental Justice Strategy

The DHS Environmental Justice strategy integrated environmental justice principles into the Department's everyday operations through a variety of methods. The following exhibit several examples of DHS FY 2018 implementation efforts.

Creating a Directive and Instruction on Environmental Justice. In FY 2018, DHS furthered implementation of the DHS Directive 023-04, *Environmental Justice*, at the Headquarter and Component levels including the following projects and initiatives.

USCG

In FY 2018, the USCG drafted its Environmental Planning Commandant Instruction and Implementing Procedures. These procedures make environmental justice a required component of the NEPA compliance process.

Developing Compliance and Review Capacity. DHS continued to expand the Department's compliance and review capacity in FY 2018. As established by *Directive 023-01, rev 01*, the Environmental Planning and Historic Preservation Decision Support System (EPHP DSS) is the online system for documenting NEPA review and compliance for certain DHS actions. In FY 2018, DHS approved 1,122 categorical exclusions in the EPHP DSS. Required questions within the EPHP DSS assures consideration of environmental justice is an integral part of the NEPA review process.

FEMA

Training personnel is a key component to ensuring the incorporation of environmental justice in FEMA's NEPA compliance. During FY 2018, FEMA offered the following environmental justice related classroom and online training:

1. Classroom training of FEMA E/L-0253 *Introduction to Environmental and Historic Preservation Compliance*. A total of 303 students attended.

2. Online training of FEMA E/L-0253 *Introduction to Environmental and Historic Preservation Compliance*. A total of 1,583 personnel completed the course in FY 2018.

CBP

CBP provided all new agents training on Environmental and Cultural Stewardship. The training provides agents with the tools to mitigate environmental impacts of operations and provides an understanding of how an environmental impact assessment is incorporated into project planning. CBP requires a refresher course to be taken annually. In addition, CBP appoints Public Lands Liaison Agents (PLLAs) who specialize in the mitigation of environmental impacts and addressing public concerns, in CBP's 20 operational sectors. In FY 2018 the PLLAs completed supplemental training on topics such as environmental justice.

Identifying and Addressing Environmental Justice Considerations in Programs, Policies, and Activities. In FY 2018, the DHS EJWG, comprising of representatives from DHS Components and Headquarter offices, met bi-monthly to review DHS programs and activities, share best practices, and explore opportunities to advance intra- and inter-agency collaboration on current and emergent issues.

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

FEMA

FEMA's Federal Preservation Officer led a group in the drafting of a National Historic Preservation Act, Section 106 Tribal Consultation Guide (Guide). The objective of the Guide is to explain how to build, maintain, and enhance relationships with Native American Tribes, and conduct Section 106 consultation in a sensitive manner that respects Tribal sovereignty.

IGA

IGA's tribal affairs program works to assist Department offices and Components with understanding the Indian Civil Rights Act of 1968 and applicability to civil rights and civil liberties activities. IGA works in coordination with CRCL in efforts to ensure Indian civil rights are upheld and programs are delivered.

Collaborating with Other Agencies on Environmental Justice Related Matters. As outlined in the QHSR, "Homeland security spans the authorities and responsibilities of federal departments and agencies; state, local, tribal, and territorial governments; the private sector; and private citizens and communities. For this reason, coordination and cooperation are essential to successfully carrying out and accomplishing the homeland security missions." DHS collaboration in environmental justice matters in FY 2018 included the following:

CBP

CBP released the Draft Environmental Impact Statement (DEIS) for the Bog Creek Road Project for public comment in FY 2018. In coordination with the U.S. Forest Service, joint preparer of the DEIS, the agencies participated in public engagement efforts with the local community, the Kootenai Tribe of Idaho, and the Kalispel Tribe. Participants worked collaboratively to address concerns and consider impacts to the accessibility of portions of the Idaho Panhandle National Forests for recreational and cultural purposes.

IGA

The IGA tribal affairs program works collaboratively with the Interagency Repatriation Ad-hoc Committee. In FY 2018 at the International Repatriation Conference hosted by the Association of American Indian Affairs, IGA presented DHS's efforts toward repatriation of cultural and religious artifacts.

Communicating Through Active Outreach Efforts. DHS remains committed to active outreach, which include:

CBP

As part of the planning process for the Rio Grande Valley Levee/Border Wall System construction projects in Texas, CBP actively solicited public comments on the potential impacts on the environment, culture, commerce, and other quality of life impacts. Public notification was distributed via letter, e-mail, media advisory, print and digital advertisements, webinars, and flyers in local community centers and libraries, in both English and Spanish. Additionally, CBP extended the public comment period from an initial 30 days to 90 days and expanded the distribution list to include additional community members and academics.

CBP Tucson Sector Border Patrol Agents including PLLAs, Tribal Lands Liaison Agents, and project teams met with representatives from the National Park Service, Organ Pipe Cactus National Monument, the Tohono O'odham Nation, and the US Fish and Wildlife Service-Ecological Services to discuss the design, impacts, and management of potential upgrades of mesh fencing to pedestrian barriers.

FEMA

FEMA's Region 6 has established relationships with Tribes across the region. These partnerships assist FEMA in identifying environmental and public health issues and environmental justice concerns. FEMA's collaborative efforts with tribal governments in FY 2018 included:

1. Following the Pueblo of Acoma's disaster declaration (DR-4352), FEMA Region 6 EHP made introductions and attended meetings in New Mexico with the Pueblo of Acoma to build rapport and identify projects of heightened cultural interest and concern to the Pueblo. Throughout the disaster recovery process, FEMA's Region 6 EHP met

continuously with the Pueblo to refine and accurately address the disaster project interests, goals, and priorities raised.

2. In May 2018, FEMA's Region 6 successfully secured two federally recognized tribal partners—the Comanche Nation and the Alabama-Coushatta Tribe of Texas—to present at the May 2018 Hurricane Harvey Unified Federal Review (UFR) Summit. The UFR Summit provided a forum for the tribes to share unique history, experiences, and perspectives on government-to-government consultation and guidance on streamlining tribal consultation efforts.
3. On May 2018, FEMA Region 6 provided in-person training to the Otoe-Missouria Tribe in Red Rock, Oklahoma. The training, which provided an overview of the FEMA environmental planning and historic review process, included a primer on environmental laws, regulations, EOs and an overview of the FEMA grant program.
4. FEMA's Region 6 Tribal Liaison served as a member of the tribal working group and planning team of the first Annual Region 6 Tribal Summit held in August 2018. The two-day Summit, which was targeted at tribal emergency managers, addressed preparation and planning for disasters on tribal lands and FEMA's role.

ICE

In FY 2018, ICE issued project scoping letters to tribal groups and local officials during the initial phases of an EA at the Port Isabel Service Processing Center in Los Fresnos, Texas. ICE also published a Notice of Availability of the draft EA in both English and Spanish.

USCG

The USCG Office of Acquisitions (CG-9) regularly assesses impacts on low-income and minority communities as a part of NEPA compliance. During FY 2018, the environmental justice analysis for the acquisition of Polar Security Cutters (PSC) included expansive public outreach. CG-9 sent notifications to every tribe in Alaska and the Pacific Northwest, and held in-person scoping meetings in Barrow, Nome, Kotzebue, and Anchorage, Alaska. Moving forward, CG-9 is planning for development of a Plan of Cooperation in conjunction with local indigenous populations whose subsistence hunting/fishing practices may be affected by compliance with the Marine Mammal Protection Act.

During FY 2018, OES-3 conducted informal outreach with multiple Native Alaskan corporations, industries, and tribal representatives of three Arctic Alaskan communities. OES-3 provided updates on topics raised at both the Arctic Council and IMO. The outreach focused upon a proposed heavy fuel oil ban for ships in the Arctic and the potential impacts on Arctic communities and industries.

At the request of tribal representatives, the CG-BRG met with tribal representatives regarding the Pebble Open Pit Mine project in Bristol Bay, Alaska. The USCG is a cooperating agency for this project. CG-BRG shared information regarding the bridge permitting process, roles and responsibilities, and points of contact for other maritime related project aspects.

VI. Notable and Innovative Community-based Projects

FEMA

The Louisiana Integration Recovery Office (LIRO) EHP program identified a Community of Concern during the NEPA scoping process for the Joint Infrastructure Recovery Request Project Desire Group A (DR-1603). A Community of Concern is a small geographic area with a higher than average concentration of low-income and/or minority populations. The scope of work consisted of road, sidewalk, and sewer repair measures to protect the health, safety, and property of the Desire Area Neighborhood. The southwest portion of the Desire Area Group A Road Network project area overlies the footprint of the Agriculture Street Landfill, an active municipal landfill for New Orleans from approximately 1909 to 1958. Work consisted of repairing or completely reconstructing the streets and sidewalks down to the sub-grade. Due to the likely presence of hazardous material under the existing roads, the proposed scope of work had the potential to create disproportionately high adverse impacts on minority and/or low-income populations. Residents of the Press Park Housing Development raised concerns about hazardous materials and toxic substances. In response, FEMA, the City of New Orleans, and the Sewage and Water Board, developed a public involvement and environmental strategy. FEMA also coordinated with the EPA and Louisiana Department of Environmental Quality (LDEQ) via a Solicitation of Views.

FEMA's Region 6 executed an agreement for State of Texas-led direct housing mission response to Hurricane Harvey (DR-4332), which required FEMA review for environmental consideration to include environmental justice. Many of the most vulnerable low-income, minority communities were heavily impacted and in greatest need of housing resources. Eligibility for direct housing included the avoidance of high risk flood zones and meeting minimization standards for applicants receiving housing units. FEMA policies implemented effectively avoided, minimized, and mitigated future threats and adverse impacts.

FEMA's Region 6 EHP reviewed and cleared grant HMGP DR-4199-NM, Project #11, Santa Clara Pueblo Flood Mitigation Project. Through this project, Santa Clara Pueblo aims to mitigate flood risk to infrastructure in the upper canyon and the village from annual monsoon rainfall events occurring after several wildfires in the area. Currently the lives and safety of Pueblo residents, as well as critical Pueblo infrastructure, are at severe risk of flooding and erosion. The project includes improvements and restoration at three crossings in the upper canyon along Santa Clara Creek.

United State Immigration and Customs Enforcement (ICE)

ICE continues to work on rehabilitating a storm damaged communications site in Puerto Rico. This rehabilitation, including upgrading the power supply by constructing a solar powered-microgrid, will have the ancillary effect of providing resilient communication equipment in Puerto Rico, which experienced significant impacts during the 2017 hurricanes.

IGA

The IGA tribal affairs program worked directly with FEMA staff in their consideration of a disaster declaration for the Oglala Sioux Tribe on the Pine Ridge reservation. Although the request for individual assistance to repair 60 homes from storm damage was denied, the engagement brought about a greater understanding and awareness of the challenges facing the Pine Ridge reservation as one of the most economically depressed areas in the country.

VII. Public Comments

No public comments were received on the FY 2017 Environmental Justice Annual Implementation Progress Report. DHS remains open to public comment on the DHS EJ Strategy and Annual Reports.









VIII. Updates and Revisions to the DHS EJ Strategy

The DHS Environmental Justice Strategy was approved in February 2012 and outlines a number of strategic objectives. Appendix A: 2012 Strategic Objectives Update, summarizes the Department's progress against the 2012 goals. The DHS Environmental Justice Strategy is available to the public at <https://www.dhs.gov/dhs-environmental-justice-strategy>. There are no updates or revisions to the DHS Environmental Justice Strategy for this reporting period.

IX. Conclusion

This FY 2018 Environmental Justice Annual Implementation Progress Report serves as the official update of Department's activities for the implementation of the 2012 DHS Environmental Justice Strategy. The Department remains committed, to the greatest extent practicable and permitted by law, to integrate environmental justice into its programs, policies, and activities, by identifying and addressing, as appropriate, the disproportionately high and adverse human health or environmental effects on minority and low-income populations throughout the United States, including its territories and possessions, such as the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

X. Appendix A: 2012 Strategic Objectives Update

	Objective	Status	Activity Summary
1	Creating a Directive and Instruction on Environmental Justice through revisions to Directive 023-01 on Environmental Planning Program		<ul style="list-style-type: none"> ▪ NEPA Directive 023-01 issued 10/31/14 ▪ NEPA Instruction 023-01-001-01 issued 11/06/14 ▪ EJ Directive 023-04 issued 09/19/18
2	Identifying and addressing programs, policies, and activities of the Department that may have disproportionately high and adverse human health or environmental effects on minority, low-income, and tribal populations.		<ul style="list-style-type: none"> ▪ Institutionalized Annual Program Management Reviews
3	Developing compliance and review capacity to test the effectiveness of the requirements in the Directive and Instruction and to measure performance. This includes incorporating environmental justice into compliance reviews under Title VI.		<ul style="list-style-type: none"> ▪ Establishment of the DHS Environmental Planning and Historic Preservation Decision Support System for evaluating and documenting NEPA compliance for CATEXs (FY2012) ▪ DHS Civil Rights Evaluation Tool
4	Collaborating fully with other agencies on environmental justice related matters, as the need arises.		<ul style="list-style-type: none"> ▪ EJIWG ▪ Chair EJ Goods Movement Committee
5	Effectively communicating through active outreach efforts with the public, the academic community, other agencies, and non-federal governmental entities, including government-to-government contact with tribes.		<ul style="list-style-type: none"> ▪ CRCL Technical Assistance to Recipients ▪ DHS Tribal Consultation Policy ▪ USCG/Tribal Nation MOU and Memorandum of Agreement ▪ FEMA/EPA Disaster Response collectives ▪ CRCL Federally Assisted Compliance Program (ongoing)
	*not all inclusive	 completed  in progress  not started	