

Environmental Justice



Concept and Approach

The concept of environmental justice first became a required consideration for federal agencies with the publication of Executive Order (EO) 12898 on February 11, 1994. Environmental justice concerns:

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 (BLM Land Use Planning Handbook).

The EO requires each federal 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” (EO 12898, §59 *Federal Register* 7629, 1994). Environmental effects include economic, social, and cultural effects (i.e., socioeconomic effects), as well as impacts on the biological or physical environment that affect people.

BLM will conduct a screening analysis of the study area for the Eastern Colorado Resource Management Plan (RMP) to identify if any potential environmental justice populations are present. The study area for socioeconomic analysis will include all counties that are wholly or partially within the RMP planning area. Subsequently, BLM will determine if the RMP management alternatives have disproportionately high and adverse effects on those populations.

Definitions

After publication of the EO, the Council on Environmental Quality (CEQ), part of the Executive Office of the President, issued guidance for considering environmental justice within the National Environmental Policy Act process (CEQ, 1997). This guidance defines minorities as individual(s) who are members of the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic. The guidance further defines a minority population as follows:

Minority populations should be identified where either: (a) the minority population of the affected area exceeds 50 percent or (b) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis.

The guidance also makes clear that Indian Tribes in the affected area should also be considered in the environmental justice analysis.

The CEQ guidance states that low-income populations should be determined using the annual statistical poverty thresholds from the Bureau of the Census. That is, persons living under the poverty income threshold are potentially of concern. The guidance does not specify how to identify a low-income population, but in practice the same approach used for minority populations is often used: where the percentage in poverty is meaningfully greater than the percentage in the general population or an appropriate comparison area.

The CEQ guidance does not define what constitutes “meaningfully greater.” This is determined based on the nature of the study area and best practices followed by agencies and socioeconomic analysts.

The EO requires agencies to address “disproportionately high and adverse human health or environmental effects.” The terms adverse and disproportionate are key to an environmental justice impacts analysis. An environmental justice impact occurs only if the impact on a minority or low-income population is harmful,

and “appreciably exceeds or is likely to appreciably exceed” the impact to the general population or other appropriate comparison group (CEQ, 1997).

Methodology

BLM will use demographic and economic data from the U.S. Census Bureau to identify communities within the study area that have high levels of minority and/or low-income populations compared to the total population of Colorado. We will use the most recent data available at a sub-county geographic level. BLM will flag the identified communities for further consideration in the impact analysis phase. In this phase, BLM will assess whether and how each management alternative may adversely and disproportionately affect the identified communities. This involves assessing the types of human health and environmental effects, their significance, and the proximity of identified communities to the effects of the management actions. As an example, if BLM finds that oil and gas development would be disproportionately located near minority or low-income communities, and would adversely and significantly affect those communities, BLM would identify this as an environmental justice impact.

If BLM identifies environmental justice impacts from proposed management actions, it would then develop measures to eliminate or mitigate those impacts. Such measures might include changing the location of certain activities or regulating the activities to reduce their impact.

Public Involvement

The CEQ guidance and the presidential memo that accompanied the Executive Order emphasize that agencies should provide opportunities for effective participation by minority and low-income communities in the NEPA process. This includes identifying potential effects and mitigation measures in consultation with affected communities.

Tell Us What You Think!

If you have input on these topics, please share it with us in a scoping comment.

1. What BLM management actions might have disproportionately high and adverse human health or environmental effects on minority or low-income populations?
2. Where are these communities located?
3. How can BLM best involve these communities in the planning process?
4. What specific organizations represent minority or low-income populations in the planning area?

Please submit your comments and other information via email to ECRMP.comments@blm.gov

References

CEQ (Council on Environmental Quality). 1997. Environmental Justice: Guidance Under the National Environmental Policy Act. http://energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/G-CEQ-EJGuidance.pdf.