

## **Environmental Justice (EJ) Analysis Guidance**

*This template shall be used for investigating, evaluating, and conducting EJ analysis and findings for project and attached within the appendix of the NEPA document. Delete these red instructions and modify any highlighted fields.*

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations, dated February 11, 1994, directed “each federal agency shall 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 in the United States... The proposed project has federal funding and federal permit requirements and is considered a federal project for purposes of compliance with the Executive Order.”

FHWA Order 6640.23A FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations establishes policies and procedures for the Federal Highway Administration (FHWA) to use in complying with Executive Order 12898. FHWA issued Order 6640.23A on June 14, 2012.

### **Step 1 – Identify Environmental Justice Study Area**

The EJ study area is the geographic area where the proposed project has potential for human health or environmental effects. The study area for the EJ analysis was determined by applying a 0.25-mile buffer to the project limits, including any required detours. Maps of the EJ study area are included at the end of this analysis as part of Step 2. *The 0.25-mile buffer should typically be used, but may be increased for any extenuating circumstances on a project by project basis. If there is more than one EJ study area because of multiple alternatives under consideration that are best addressed with more than one EJ study area, describe why.*

### **Step 2 – Readily Identifiable Minority or Low-Income Populations within Study Area**

EJ populations include minority and low-income populations.

“Minority” is defined in the US Department of Transportation (DOT) Order 5610.2(a) on Environmental Justice as including “Black or African American, Hispanic, Asian American, American Indian/Alaskan Native and Native Hawaiian or Pacific Islander.” “Minority population” means any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.

“Low-income population” is defined in DOT Order 5610.2(a) as meaning “any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant,

geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.”

The US Environmental Protection Agency’s (EPA) Environmental Justice Screening and Mapping tool (EJScreen) was used to investigate the presence of readily identifiable low-income or minority populations. EJScreen defines percent low-income as the percent of a block group’s population in households where the household income is less than, or equal to, twice the federal "poverty level."

The EJ study area was investigated for the presence of readily identifiable:

- minority and/or low-income populations
- community facilities that serve minority and/or low-income populations, and
- businesses that are owned by, employ, and/or serve minority and/or low-income populations.

The investigation included review of demographic data, field review, consultation with knowledgeable local representatives, and public outreach activities, as described below:

**Step 2a. – EJScreen Demographic Data**

**Table 1 - EJScreen Data**

<b>Demographic</b>	<b>Project Study Area (including 0.25-mile buffer)</b>	<b>County or City</b>
Minority Population	xx%	xx%
Low-Income Population	xx%	xx%

Compare the percentages of minority and low-income persons in the EJ study area to the percentages of minority and low-income persons at the city or county (city for urban projects and county for rural projects). If the percentages of the study area are meaningfully greater than those of the city or county, it is a strong indicator of the presence of an EJ population and a closer look at the community context is warranted. A study area where the percentage of either above demographic is 10 percentage points higher than the county or city average; or are greater than 50 percent within the study area would be a strong indicator of populations for purposes of the EJ analysis.

*Create 2 printable standard reports from EJScreen, record data above, and attached the printable standard reports to this document:*

- *Go to EJScreen at: [EJScreen: Environmental Justice Screening and Mapping Tool | US EPA](#)*
- *Click “Launch the EJScreen Tool”*
- *Zoom the map to the extent of the project limits*
- *Click the “Reports” tab in the top of pop-up toolbar*
- *Select the “Add a Path” and draw path along roadway for entire project limits, including any detour routes. Double click to end path and bring up “Chart or Report” pop-up menu*
- *Within the “Chart or Report” pop-up menu, enter 0.25 mile for the “Buffer” and click “Add to Map” button. Enter project number within “Name”.*
- *Click the “Get Printable Standard Report” and save as .pdf*
- *Enter % Value for “People of Color” and “Low Income” in the table above. (The values are represented within the “Socioeconomic Indicators” portion of the report)*

- Repeat process above for City or County (instead of “Add a Path”, select City or County) and enter data above. Rural projects to use County and Urban projects to use City.
- Attached both reports to this document

**Step 2b. – Field/Office Review, Consultation, or Other Data**

*This can be via on-line maps/photography (Google maps), but is preferably on-the-ground (walk or drive the area). Identify locations of potential indicators of EJ populations in the EJ study area such as affordable housing, community facilities providing services, or businesses readily-identifiable as owned, operated, or serving EJ populations.*

According to the US Department of Housing and Urban Development’s Affordable Housing locator tool, [HUD Resource Locator](#) the following HUD resources are within the study area: Ridge Heights (123 4th Avenue North, City, ND) and Pleasant View Apartments (567 8th Street North, City, ND) occur within the study area. In addition, a portion of the Lincoln Mobile Home Park occurs along the southeast edge of the study area.

Community facilities that provide services to minority and/or low-income populations within the study area may include: City facilities (e.g., City Hall, Library), Washington Food Pantry, Immigrant Development Center, and several churches.

Readily-identifiable businesses owned by, and/or serving minority and/or low-income populations within the study area may include: general retail (e.g., Walmart, Walgreens), financial establishments (e.g. Peoples Small Loan, Wells Fargo), and retail specific to ethnic goods/services (e.g., Asian Food Market, Mexican Restaurant, African Hair Braiding).

*Contact relevant city/county/tribal officials, cultural/social centers, or organized groups who provide services to, or would be familiar with the EJ study area demographic makeup. Required to include consultation with the Metropolitan Planning Organization (MPO) if project occurs within an MPO and include any readily available MPO data or maps.*

Consultation with local representatives knowledgeable about community demographics, (organization), identified the following facilities or relevant issues that may be impacted by the project: Community facilities, businesses readily identifiable as serving EJ populations, affordable housing types.

**Step 2c. – Summary of Identification**

Based on the data collection from Steps 2a and Step 2b. above:

*Select one of the following:*

- There is not a readily identifiable EJ population in the EJ study area. Therefore, there are no readily identifiable minority or low-income populations affected by the project. (No further study needed)**
  
- There is a readily identifiable EJ population in the EJ study area. (Go to Step 3)**

### **Step 3 – Project Impacts, Avoidance, Minimization, and Benefits**

Describe or consider any applicable potential impacts to human health and environment and any associated avoidance, minimization, mitigation, and benefits with the project including any applicable public involvement items. Some examples topics that may have potential to impact human health and environment are: land use, parks/recreational facilities, surface or groundwater, hazardous materials/contamination, historic/archaeological resources, visual quality, air quality, noise, vibration, traffic, parking, transit, bicycle/pedestrian facilities, access, right of way acquisition, relocation, economic, social, tribal lands, etc..

The project was assessed for applicable potential human health and environmental impacts for all populations, including any related minimization, avoidance, and benefits:

- Property impacts, business relocations, and residential relocations were avoided and minimized to the extent practicable. This included utilizing retaining walls where economically feasible, to minimize the project footprint.
- All ROW acquisitions would be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
- No residential or business relocations are required for the project.
- Meetings with all affected landowners have occurred during project development to keep them apprised of project development and best understand how to minimize disruption.
- Temporary construction impacts such as construction noise would be short term and would be minimized and mitigated by ensuring equipment is in proper working order with functional mufflers, limit construction to daytime hours, and fugitive dust control measure (water) would be implemented as necessary.
- Contaminated and hazardous waste encounters are not expected with the project.
- The project is not a Type I noise project and noise abatement was not included in the scope of the project.
- A signed traffic detour around the project will be provided and maintained during construction. The detour is temporary in nature and has potential to cause minor delays throughout the project area. The detour will be short term and will maintain access within and through the project area during construction.
- Access points along the project would be modified as needed, including xx closures and xx modifications. Meetings with all affected landowners will occur during project development. Access to all parcels would be maintained.
- There are no permanent impacts to any public parks or recreational facilities.
- A temporary occupancy would be required from xxx but access to the trail/park would be maintained during construction.
- Due to the nature and scope of the project, no high or adverse economic impacts are anticipated and no permanent disruptions or impacts to community/neighborhood cohesion are expected.
- There are no permanent impacts to existing transit routes, facilities, or locations. Temporary minor impacts or delays to transit due to any detour routes would be limited and sustained with detour routes.
- No impacts to existing parking are anticipated.
- Pedestrian facilities within the project area will be enhanced by improving curb ramp accessibility, address deteriorated pedestrian facilities, and enhance pedestrian mobility and aesthetics
- Overall, the project will improve the deteriorated conditions identified for the project and enhance safety within the study area. Other benefits from the project include....

- The identified project impacts are sufficiently addressed through avoidance, minimization, mitigation, and/or benefits such that no substantial adverse impacts to any populations remain. Substantial or adverse impacts to human health and environment are not expected with the project. Therefore, no disproportionately high or adverse impacts to identified minority or low-income populations would occur.** *(No further study needed - document, attach, and summarize the EJ analysis and findings within environmental document)*
- Substantial or adverse project impacts remain after consideration of avoidance, minimization, mitigation, and benefits. Substantial or adverse impacts to human health and environment are anticipated with the project.** *(Go to Step 4)*

**Step 4 – Analyze proportionality of high or adverse impacts to EJ populations**

EO 12898 requires that the proposed actions be reviewed to determine if there are “disproportionately” high or adverse impacts on these populations. Disproportionately high and adverse effect on minority and low-income populations means an adverse effect that:

- is predominately borne by a minority population and/or a low-income population, or
- is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Determine if any of the adverse impacts (identified in Step 3) to populations remaining after avoidance, minimization, mitigation, and benefits are predominately borne by a minority population and/or a low-income population; or are appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the nonminority population and/or non-low-income population.

*Describe process and items analyzed and considered for proportionality of high or adverse impacts to EJ populations. Provide rationale for why the remaining impacts are or are not predominately borne or suffered in greater magnitude by the minority or low-income population.*

*Will any business or residential relocations negatively affect the fabric or community cohesion? Would the social impact be predominately borne by an EJ population? Would any business relocations adversely affect people being able to access to goods/services that uniquely serve EJ populations?*

- Substantial or adverse project impacts remaining after consideration of avoidance, minimization, mitigation, and benefits are not disproportionately high or adverse for minority or low-income populations.** *(No further study needed - document, attach, and summarize the EJ analysis and findings within environmental document)*
- Substantial or adverse project impacts remaining after consideration of avoidance, minimization, mitigation, and benefits are disproportionately high or adverse for minority or low-income populations.** *(Go to step 5)*

**Step 5 – Consider feasibility of project refinements, enhancements, and/or additional mitigation to avoid disproportionate impacts or provide off-setting benefits to EJ population**

The consideration of project refinements, enhancements, and additional mitigation may involve a balancing of impacts to other social, economic (including cost) or environmental resources as well as public engagement with the affected population.

Is avoidance of disproportionate impacts to EJ population feasible?

What project refinements, enhancements, or additional mitigation were considered to avoid disproportionate impacts or provide off-setting benefits to EJ populations? Why were they found to be or not to be practicable?

**Additional project refinements, enhancements, and/or mitigation measures were implemented to reduce and avoid disproportionate effects or provide off setting benefits to minority or low-income populations.** *(No further study needed)*

**Additional project refinements, enhancements, and/or mitigation measures to reduce and avoid disproportionate effects to EJ populations were considered but were found to not be practicable. Therefore, the proposed action will have a disproportionately high or adverse effect on minority or low-income populations.** *(Document, attach, and summarize the EJ analysis and findings within environmental document)*