

Department of Commerce Environmental Justice Strategy Annual Progress Report 2014

Introduction/Overview

The Department of Commerce Environmental Justice (EJ) Strategy outlines the specific steps the Department is taking to ensure the fair treatment and meaningful involvement of all individuals by integrating EJ into its programs, policies, and activities. The Department of Commerce creates the conditions for economic growth and opportunity by promoting innovation, entrepreneurship, competitiveness, and stewardship informed by world-class scientific research and information. The Department's programs to promote job creation, economic growth, sustainable development, and improved standards of living for all Americans foster public health benefits for disadvantaged and distressed communities and businesses.

Development of Environmental Justice Strategy and Implementation Plans

The Department of Commerce EJ Strategy was drafted through a combination of internal Departmental discussions, stakeholder input, and review by the Interagency Working Group on Environmental Justice (EJ IWG). Stakeholders were provided numerous opportunities to comment on the Department's EJ Strategy, including through the Department's participation in numerous public meetings and teleconferences, targeted distribution of the draft Strategy to EJ organizations, and a public comment process that ran from September 30, 2011, to November 30, 2011, on the Department's website. Through these avenues, the Department received numerous verbal and three written comments or suggestions. These comments were addressed in the final Department of Commerce EJ Strategy, which is available at <http://open.commerce.gov/news/2013/02/21/department-commerce-environmental-justice-strategy>.

Community Engagement Activities and Results/Impacts

The EJ IWG is working to facilitate the active involvement of all Federal agencies in implementing the Executive Order that established EJ responsibilities (EO 12898) by minimizing and mitigating disproportionate negative impacts while fostering environmental, public health, and economic benefits for overburdened communities. Federal agencies have made significant progress towards fulfilling the promise of EO 12898 under the leadership of EPA and the White House Council on Environmental Quality (CEQ). Starting with a Cabinet-level meeting and the first-ever White House Forum on Environmental Justice in 2010, federal agencies reinvigorated the EJ IWG. Seventeen Cabinet members and White House offices signed the [Memorandum of Understanding on Environmental Justice and Executive Order 12898](#) (EJ MOU) in 2011. In keeping with a commitment to hear from communities, the EJ IWG conducted 18 community listening sessions across the country in 2011–2012. Fifteen Federal agencies, including the Department of Commerce, issued final agency EJ strategies, implementation plans, and/or progress reports in 2013. In August 2011, the EJ IWG identified the National Environmental Policy Act (NEPA), Title VI of the Civil Rights Act of 1964, Goods Movement, and Climate Change as priority issues, and has initiated efforts to address them.

The EJ IWG will continue to focus its efforts on the four focus areas identified in the EJ MOU and continue to conduct listening sessions. In addition, the EJ IWG established a committee on regional activities. The EJ IWG will also support the President's Climate Action Plan.

Implementation Progress

1. Agency-Wide Efforts that Advance Environmental Justice

National Environmental Policy Act (NEPA)

The EJ IWG's NEPA Committee is improving the effectiveness, efficiency, and consistency of the NEPA process to enhance consideration of EJ through the sharing of best practices, lessons learned, training, and other tools. Since its inception in May 2012, the NEPA committee has taken several steps toward achieving its mission. Initially, an electronic compendium of publicly available NEPA and EJ-related documents from almost 20 Federal agencies is provided on the IWG website; key references from this EJ and NEPA Agency Resource Compendium are also included on EPA's NEPA Webpage. In addition, the NEPA Committee has conducted a cross-agency training series on existing tools, methods, and agency-specific focal areas. The Community of Practice Subcommittee is compiling a best practices approach that efficiently and effectively considers EJ in NEPA reviews. The Education Subcommittee has conducted a review of existing Federal agency training materials on EJ and NEPA, and is using this assessment to produce a national NEPA training module on NEPA and EJ with the focus on effective EJ analysis in the NEPA process.

Moving forward, the Committee will continue to advance cross-agency understanding of opportunities to advance EJ through increased understanding of challenges and opportunities, articulation of effective best practices, training on general and specific NEPA and EJ topics, and other measures. Altogether, these efforts will continue to provide Federal officials, at all levels, with a foundational understanding of NEPA's role in addressing EJ through assessment, consideration of alternatives, avoidance and mitigation during the NEPA review process.

Tribal Consultation

On July 3, 2012, the Department of Commerce released its draft Tribal Consultation and Coordination Policy for public comment.

- This Policy implements the principles expressed in President Obama's Executive Order issued on November 5, 2009.
- The President's Executive Order requires all agencies in the Federal government to recognize tribal governments as the governments of separate sovereign within the United States. This relationship is unique, as the Federal government has not developed a trust relationship with any other governmental entity.
- The Policy outlines consultation obligations and procedures for all Department of Commerce bureaus for developing policies that have tribal implications.

The Department held two national tribal consultation webinars on September 12 and 19, 2012, to discuss the proposed policy. The Department received written statements from 15 tribal governments and tribal organizations. Formal responses to the recommendations are being developed and policy was finalized on May 21, 2013.

2i. National Oceanic and Atmospheric Administration

a. Recovery of Protected Species

- In the Northeast, a representative of the Penobscot Indian Nation is a member of the Atlantic Salmon Management Board and has participated with NOAA, the U.S. Fish and Wildlife Service, and the Maine Department of Marine Resources in developing and implementing a joint framework for salmon recovery. Through the Species Recovery Grants to Tribes Program, NOAA provided four years of funding to the Penobscot Indian Nation to conduct research and participate in outreach for Atlantic salmon, further improving the working relationship with the Penobscot.
- In the Pacific Northwest, Puget Sound salmon are the most significant treaty resource to western Washington tribes, but several salmon runs are at risk of extinction and protected under the ESA. Western Washington treaty tribes recently raised concerns about their treaty rights because of declines in fish runs due to habitat loss. They have urged the Federal Government to protect their rights by protecting habitat. NOAA is one of three agency co-leads working to provide and improve information on habitat loss, habitat needs, scientific review of types and rates of habitat loss, and improve coordination of Federal and state enforcement of existing laws which protect salmon habitat.
- In 2012, NOAA worked through the International Whaling Commission to renew aboriginal subsistence whaling catch limits through 2018 for Alaska Natives and the Makah Tribe at levels consistent with species conservation. In 2013, NOAA issued a Record of Decision under NEPA recognizing the cultural and subsistence needs of Alaska Natives to harvest bowhead whales while allowing the stock to rebuild. NOAA is preparing a NEPA evaluation of the Makah Tribe's request to hunt Eastern North Pacific gray whales, addressing the Tribe's cultural and subsistence needs while ensuring that the species remains a significant functioning element of its ecosystem. For several years, NOAA has provided the Makah with funding via a Species Recovery Grants to Tribes program to participate in research on gray whales, Steller sea lions, Southern Resident killer whales, and humpback whales.

b. Sustain Healthy Coastal Ecosystems

- NOAA is coordinating with the Passamaquoddy tribe in order to improve habitat connectivity and quality in the St. Croix River to increase the distribution and abundance of anadromous fish. The St. Croix River flows along part of the border between Maine and Canada.
- In January 2014, NOAA released its third annual report on groundfish fishery performance, which compares fishing year 2012 (May 2012 through April 2013) to fishing years 2009–2011. Coincident with significant quota reductions necessary to rebuild some stocks that are at or near historically low levels, fishing year 2012 brought a halt to the upward trends in landings and revenues seen in the fishery from 2010 to 2011. In 2012, NOAA took a number of steps to improve fishing opportunities for groundfish vessels, including increased quotas and access to more abundant groundfish and other key stocks; reduced minimum legal sizes to allow more of the fish that are caught to be landed; and reduced reporting and monitoring requirements for some types of fishing vessels. NOAA also worked with Federal partners to increase industry awareness of available financial assistance and grant programs and to explore product marketing opportunities to help the fishing industry.
- The Mid-Atlantic Fishery Management Council collected input from a wide range of communities through surveys, roundtable meetings, and position letters as part of a

visioning and strategic planning project designed to develop a comprehensive, stakeholder-informed vision for managing fisheries. The goals of the project were to define and develop new ways for the Council to engage constituents and define strategies to address key challenges. The feedback and recommendation suggested by stakeholders will be used to help develop future management plans.

- Collecting adequate fisheries science data in the U.S. island territories and commonwealths presents unique challenges and requires additional investments in personnel and resources to be successful. To help address these challenges, NOAA allocated modest funding in 2013 to begin a Territorial Sciences Initiative and has increased our funding support in 2014. Most funds from this initiative will be spent in the territories to support locally-based science, build scientific and monitoring capabilities, enhance capacity, and build institutional relationships. This initiative would include grants to and contracts with the territorial fisheries agencies, as well as to local academic institutions and cooperative research partners to help build local scientific capacity.

c. Habitat Conservation

- NOAA continued to partner with Klamath Basin stakeholder groups to advance the Klamath Hydroelectric Settlement Agreement (KHSAs) and the companion Klamath Basin Restoration Agreement (KBRA) through the Klamath Basin Task Force, which was assembled in the summer of 2013 to respond to impacts from water rights calls by the Klamath Tribes of Oregon and the U.S. Bureau of Reclamation. In 2013, NOAA, along with members of the Klamath Tribes and Klamath Basin agriculture community, energy corporations, and Federal and state officials, has developed recommendations for one comprehensive piece of legislation that will provide a foundation for long-term solutions to Basin issues, including ensuring that the tribes have a greater role in Federal decisions affecting Klamath Basin Tribes. In 2014, NOAA is committed to working with our tribal and non-tribal partners in the Klamath to work towards resolving key issues in an effort to finalize the Agreements.
- NOAA continues work on a key effort to sponsor and collaborate with civic organizations to conduct fishing events for underprivileged/minority demographics and disabled veterans in southern California. These events all include a conservation education component, as well as teaching proper angling techniques and Ethical Angling to youth and adults that are mainly from inland areas and may not have the opportunity to visit the beach and ocean without these trips.

d. Climate Change

- NOAA provides a range of climate data that can assist EJ communities in identifying whether they are at risk from climate change, and provides a number of tools for communities to assess how to mitigate those risks. In particular, NOAA provides Digital Coast—an online access point for much of NOAA's data and tools that can help plan for long-term climate impacts and aid in recovery efforts from extreme events. Digital Coast provides data, tools, case studies, stories from the field, and training in how to apply Digital Coastal resources. Some of the updated data sets from 2012 found in Digital Coast include:
 - Coastal socioeconomic and land use change data

- Pre-Sandy and post-Sandy LIDAR data
- Sea Level Rise and Coastal Flooding Impacts Viewer and the New York and New Jersey Sea Level Rise Tool
- Environmental Sensitivity Index (ESI) maps
- Coastal County Snapshots, which assess a county's resilience to flooding and includes the benefits provided by natural resources
- Risk and vulnerability assessments, and the Community Resilience Index
- NOAA leads the National Integrated Drought Information System (NIDIS) that provides accurate, timely, and integrated information on drought conditions and impacts through a nationwide integrated drought information system. In 2013, NOAA also helped to launch the National Drought Resilience Partnership that builds the link between NOAA data and communities suffering from drought. Priority areas in the first year included those most affected by ongoing drought conditions and those that are underserved, such as the upper Midwest, the Southwest, and tribal communities. Going into 2014, the focus is going to be on California communities in need.

e. Weather

- NOAA is working toward building a Weather-Ready Nation, which is about strengthening community resilience in the face of increasing vulnerability to extreme weather, water and climate events. Weather-Ready Nation (WRN) is about empowering people to make lifesaving decisions that also prevent devastating economic losses. The foundation of Weather-Ready Nation is that government cannot do this alone, but must foster innovative partnerships across all levels of government, the private sector, academia, and non-profit organizations.
- Guiding future NWS services is the NWS Weather-Ready Nation Roadmap 2.0. The roadmap will align NWS programs and services in order to help the Nation become Weather-Ready.
- Weather-Ready Nation Ambassador initiative kicked off in January, 2014. This initiative formally recognizes the contributions external organizations make to a Weather-Ready Nation. WRN Ambassadors promote NOAA preparedness and resilient messaging, work with NOAA on collaborative opportunities, share success stories of resilience, and serve as examples by strengthening their employees' preparedness for extreme weather, water, and climate events.
- Through the WRN initiative, the National Weather Service (NWS) is using new forecast tools and communication methods to reach diverse communities across the Nation:
 - The NWS launched six community pilot projects in 2012 in strategic locations in the Gulf Coast, South, and mid-Atlantic designed to improve our warning and forecast services. They are planned to last three years, until FY2015. Locations of the pilot projects are Silver Spring, Maryland; Fort Worth, Texas; Sterling, Virginia; Slidell, Louisiana; Tampa Bay, Florida; and Charleston, West Virginia. These pilot projects are helping communities reach the highest level of preparedness for and resilience to high-impact weather while identifying best practices and lessons learned to be shared across other NOAA and NWS offices.
 - The NWS StormReady® program recently certified its 2,000th site. This nationwide program helps communities develop emergency plans to handle severe weather.

- NWS is testing winter weather warnings in plain language that are easier for the public to understand. These warnings use examples from prior severe weather events to underscore the importance of preparation.
- NWS has a team developing an Impacts Catalog, capturing stakeholder thresholds and decision criteria that allow for improved Impact Decision Support Services (IDSS). Integrating NOAA-generated information with stakeholders' unique factors and interests will result in improved decision-making.
- In its efforts to reach the broadest audience possible, NWS also partners with the Federal Emergency Management Agency every March for National Severe Weather Preparedness Week. March 2014 will mark the third year of this event, which includes the "Be a Force of Nature" message to the public. This campaign garnered 14 million impressions on Twitter in 2012.

2ii. Economic Development Administration

- Throughout Fiscal Year 2013, the Economic Development Administration (EDA) continued its commitment, through its grant-based economic development investments and related activities, to the 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. EDA remained focused on working in partnership with communities and regions that may frequently be identified as impacted by EJ issues: economically distressed urban and rural communities, often with minority and low-income populations. Through its suite of economic development grant programs, EDA funded projects that were developed at the local level. By funding only community-driven, regionally owned investments, EDA continued its commitment to avoiding the imposition of environmental burdens on unknowing communities.
- EDA continued to perform its own environmental reviews to identify any adverse environmental impacts associated with its project investments, as required under NEPA. EDA's environmental review process provided an opportunity to evaluate the full environmental impact of an EDA-funded project, to ensure that the project complied with all applicable environmental laws and regulations and identify any potential disproportionate and adverse environmental or health effects on low-income and minority populations.
- EDA continued to implement a set of investment policy priorities to help prioritize and focus EDA investment funding as part of the competitive grant process. Two of these priorities were aimed specifically at mitigating the burdens of, or bringing benefits to, communities experiencing EJ issues and promoting equitable development. The Economically Distressed and Underserved Communities priority was intended to promote EDA-funded projects that strengthen diverse communities that have suffered disproportionate economic and job losses and/or are rebuilding to become more competitive in the global economy. The Environmentally Sustainable Development priority encouraged EDA-funded projects that promote economic competitiveness through improvements in environmental quality (for example, brownfields redevelopment, developing green end-products, greening of processes, or development of green buildings or places).

2iii. Economics and Statistics Administration/Census Bureau/Bureau of Economic Analysis

- ESA, BEA, and the Census Bureau have continued to generate and distribute high-quality income and population data for use by other agencies in evaluating potential EJ issues.

2iv. Minority Business Development Agency

- MBDA continues to promote the growth and expansion of minority businesses through 44 business development centers primarily located in communities with a high density of minority populations and many affected by EJ issues.
- MBDA's centers are funded through grants which are cooperative agreements. In addition to the MBDA centers that operate under the MBDA Business Center (MBC) program, MBDA instituted a program in 2012, the MBDA Business Center American Indian Alaskan Native (MBDA BC AIAN), specifically designed to serve the American Indian Native Alaskan population. The MBDA AIAN Program, which replaced the former Native American Business Enterprise Center or NABEC program, promotes the growth and competitiveness of American Indian and Native Alaskan-owned businesses. MBDA funds seven MBDA AIAN centers located throughout the United States and supplements one MBC to service American Indian Alaskan Native clients.

2v. National Institute of Standards and Technology

- The National Institute of Standards and Technology (NIST) activities in the Department's EJ Strategy were previously completed, and therefore Commerce has no update on these activities.

2vi. National Technical Information Service

- The National Technical Information Service (NTIS) activities in the Department's EJ Strategy were previously completed, and therefore Commerce has no update on these activities.

2vii. National Telecommunications and Information Administration

- The National Telecommunications and Information Administration's (NTIA) activities in the EJ Strategy were previously completed, and therefore Commerce has no update on these activities.

2viii. United States Patent and Trademark Office (USPTO)

- The Patents for Humanity program is an awards competition for patent owners and licensees. It is a voluntary pilot program that recognizes patent owners who apply their patented technology to address humanitarian needs, including those with environmental implications such as water sanitization. This program rewards companies that bring lifesaving technologies to underserved populations, while showing how patents are an integral part of tackling the world's challenges. Participants submit applications describing how they have used their patented technology, or products, to address humanitarian challenges. Judges choose winners in four categories: medical technology, food and nutrition, clean technology, and information technology. Winners receive a certificate for accelerated processing of select patent USPTO matters. The program creates a powerful tool for businesses to expedite handling of their most important

matters, and helps validate technology in the market—leading to quicker and more efficient investment decisions.