

Platte River Endangered Species Recovery Program

Environmental Justice Appendix

to the

Platte River Final Programmatic Environmental Impact Statement

January 31, 2006

**U.S. Department of the Interior
Bureau of Reclamation
Denver, Colorado**

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INTRODUCTION

The Program and the FEIS

The U.S. Department of the Interior (Interior) has prepared a final environmental impact statement (FEIS) to assess the environmental consequences of a proposed Recovery Implementation Program (Program) to benefit four threatened and endangered species and their habitat in and along the Platte River in Nebraska. This appendix contains detailed information that supports conclusions in the Environmental Justice section of the FEIS.

In 1997, the States of Nebraska, Wyoming, and Colorado and Interior signed a *Cooperative Agreement for Platte River Research and Other Efforts Relating to Endangered Species Habitats Along the Central Platte River, Nebraska* (Cooperative Agreement).¹ In this agreement, the signatories agreed to pursue a Basin-wide, cooperative effort to improve and maintain habitat for four threatened and endangered species using the Platte River in Nebraska.

The Cooperative Agreement established the general, long-term goal of improving and maintaining the target species-associated habitats. The primary goals established for the first, 13-year increment of a Program analyzed in the FEIS, and that are the focus of the action alternatives include:

- ▶ Protecting and restoring 10,000 acres of habitat in the Central Platte area.
- ▶ Improving achievement of U.S. Fish and Wildlife Service river flow targets in the Habitat Area of the Central Platte River by 130,000 to 150,000 acre-feet per year by changing the amounts and timing of storage and releases in upstream reservoirs on the North and South Platte Rivers.

Environmental Justice

Executive Order (E.O.) 12898 (February 4, 1994), *Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations* (59 Fed. Reg. 7629, 1994)(see attachment EJ-1) directs each Federal agency to review its programs, policies, and activities to identify and address any **disproportionately** high and adverse human health or environmental effects of their actions on minority and low income populations. Additional directives include: ECM 95-2, NEPA Responsibilities Under the Department Environmental Justice Policy, NEPA Handbook, Bureau of Reclamation, and Environmental Justice, Guidance Under the NEPA, Council of Environmental Quality, December 10, 1997.

¹ Available from the Platte River EIS Office, Denver, Colorado, and can be seen at <www.platteriver.org>.

The E.O. 12898, Section 1-101 provides that:

“...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.”

Section 3-302 of E.O. 12898 generally states that agencies shall collect, maintain, and analyze information on minority and low income populations in order to determine whether their programs, policies, and activities have disproportionately high or adverse impacts to those populations.

American Indian tribes are also specifically included in E.O. 12898. Although the Program area does not include American Indian reservations, potential impacts to American Indian trust resources and cultural resources were analyzed in the Indian Trust Asset and Cultural Resources sections of the FEIS and appendices. For the Environmental Justice analysis, American Indians are included with other minorities and, when appropriate, with low income populations.

Potential Environmental Justice Impacts

The Environmental Justice section of the FEIS included a present conditions analysis only since at a programmatic level, it seems unlikely that there might be any disproportionate impacts on minority or low-income populations from the Program. In addition, projected regional economic impacts to the general population are assumed to be dispersed over large areas that include multiple counties, resulting in changes of less than or equal to one tenth of one percent of the economic activity for any one of the eight regions (regions are shown in figure EJ-2). Furthermore, no significant impacts are expected to occur to the general population in the areas analyzed for the social analysis, which included population and demographics, human health, flooding, land use changes, and income and employment. Based on types of crops and recent technology advances in the Program area farm labor does not appear to be a factor, therefore farm workers are not expected to be disproportionately impacted.

STUDY AREA

The Program study area is the Platte River Basin (Basin), shown below in figure EJ-1, along with its sub-basins. For purposes of this analysis, “sub-basins” refers to the Wyoming State portion of the North Platte Basin, the Colorado State portion of the South Platte Basin, and the Nebraska portion of the Central Platte Basin. The Basin counties are displayed in figure EJ-2, and are the same counties analyzed for the economic and social analyses.

Platte River Basin

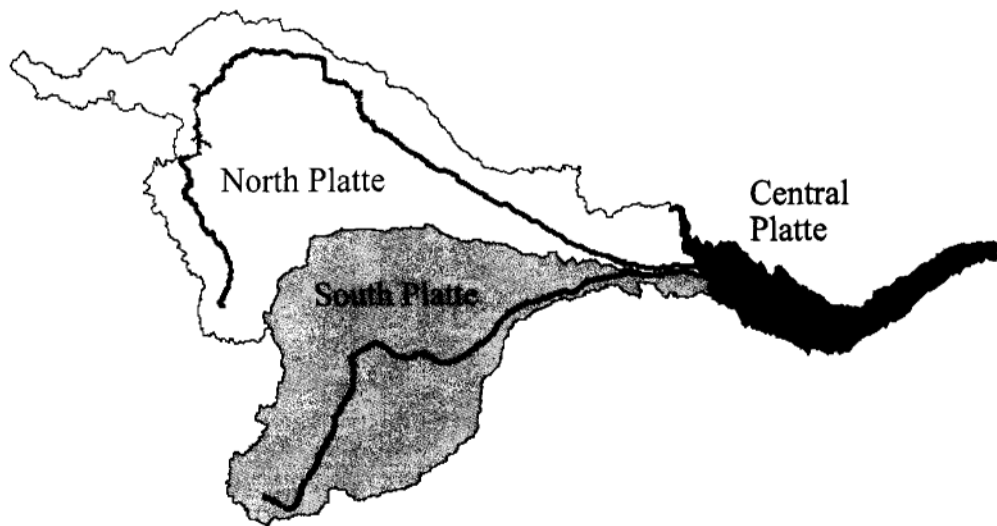


Figure EJ-1. Platte River Basin Program study area divided into the North Platte, South Platte, and Central Platte River sub-basins

Platte River Basin by Economic Regions and Counties

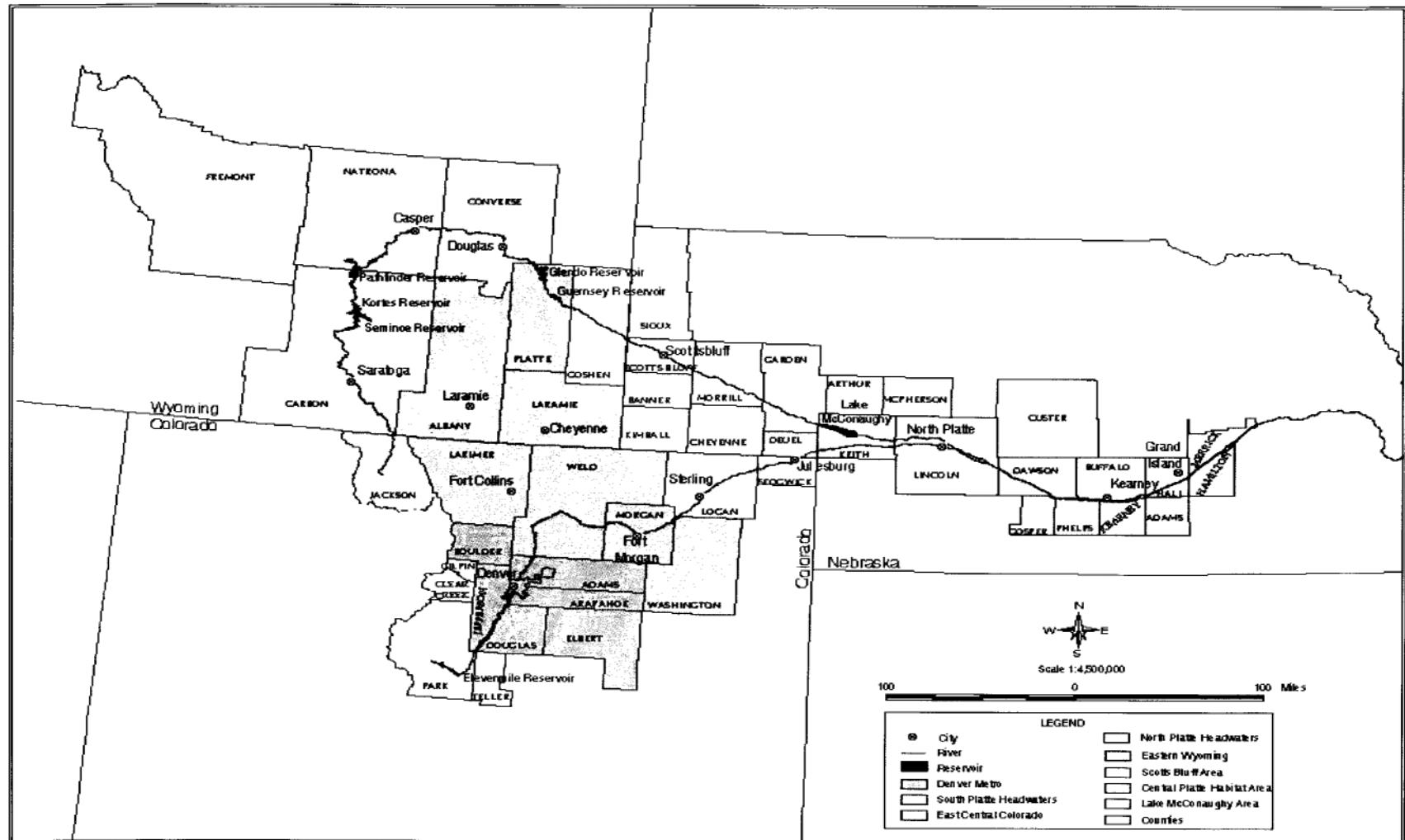


Figure EJ-2. Platte River Basin by Economic Regions, Counties, and with Major Cities

INDICATORS

The indicators applicable to the environmental justice parameter are whether the proposed action would:

- ▶ Create disproportionately high and adverse human health and environmental effects to minority and low-income populations, or
- ▶ Create other negative and inequitable project-related impacts to those populations

METHODS

Bureau of the Census (Census) data for race and ethnicity, poverty levels, and median household incomes (1999 dollars) were analyzed to provide present conditions information. The Bureau of the Census defines race and ethnicity as a self-identification data item in which respondents chose the race, races, or ethnicity with which they most closely identified. The year 2000 Census was the first to allow respondents to choose more than one race, and for this reason, the data are not directly comparable to that of previous censuses. For the purposes of using the Census race figures for calculating the percentage of minorities, anyone who selected more than one race was considered a minority since it is assumed that if one of the races was white, the other must be a minority group. The percentage of minorities for each county in the Basin was calculated by adding all race categories, subtracting the “one race white” category, and dividing the total by the total population. Percentage of minorities for the Basin and sub-basin state areas were then calculated in the same manner after summing the county data.

The Census definition of poverty levels follows the Office of Management and Budget’s (OMB) Statistical Policy Directive 14, which uses a set of money income thresholds that varies by family size and composition to determine who is poor. If a family’s total income is less than its threshold, then that family and every individual in it is considered poor. The poverty thresholds do not vary geographically, but they are updated annually for inflation using the Consumer Price Index. The official poverty definition counts money income before taxes and does not include capital gains and noncash benefits (such as public housing, Medicaid, and food stamps). Year 2000 Census used 1999 poverty thresholds which are included in attachment EJ-2 (Census Bureau, September 2003). Poverty percentages for the Basin and sub-basins were calculated by adding the county totals for “number of individuals in poverty,” and dividing it by the sum of the counties’ “year 2000 poverty population.” (for more information on methodology, see tables EJ-6 through EJ-8).

The median household income is defined by the Census Bureau as the income distribution divided into two equal groups, one having incomes above the median, and other having incomes below the median. The average median income for the Basin and sub-basin state areas was

calculated from the county median household incomes.

PRESENT CONDITION

Minority Population

A summary of the minority percentages of the total population in the Platte River Basin is shown in Table EJ-1. The Hispanic and Latino percentage of the total population is also displayed. The percentages in Table EJ-1 were adjusted slightly for each state's distribution relative to total population size. Sixteen percent of the Basin was minority in the year 2000, and the Hispanic and Latino group comprised the largest share (Hispanic and Latino population can be of any race). The Census Bureau changed the method of collecting and compiling race and ethnic data for the year 2000 Census, and as a result, the years 1990 and 2000 data are not directly comparable. However, the Basin follows the recent overall national trend of the Hispanic and Latino category becoming the largest minority group. The Basin-wide Hispanic and Latino percentage was slightly higher than that of the Nation primarily because of Colorado's influence.

Table EJ-1. Summary of Platte River Basin Minority Population Percentages

Area	Percent of Minorities	Percent of Hispanics and Latinos
Wyoming portion of the Basin	10.3	7.7
Colorado portion of the Basin	18	17
Nebraska portion of the Basin	7.4	9
Total Platte River Basin	16.6	15.9
U.S.	24.9	14.3

Tables EJ-2 through EJ-4 show minority populations and percentages by county, sub-basins, Basin, state, and the Nation. Each table begins with the counties that have the highest minority populations and ends with the lowest. Although Wyoming's portion of the Basin had the lowest percentage of minorities (followed closely by Nebraska), Fremont County had a relatively high percentage at 25.4. Colorado had the highest minority population in the Basin. In Nebraska, the three counties with the highest minority populations were Dawson, Scotts Bluff, and Hall counties.

Wyoming County, North Platte River Basin, Platte River Basin, State, and Year 2000 U.S. Minority Population

Table EJ-2

Wyoming Counties, Basins, State, and U.S.	Total Population*	Percent Minority Population**	Total Minority Population**	Hispanic or Latino Population*	Percent Hispanic or Latino	Non Hispanic or Latino Population*	Non Hispanic White Population* (1 race)
Fremont	35,804	25.4	9,111	1,566	4.6	34,238	26,693
Laramie	81,607	11.1	9,044	8,897	12.2	72,710	72,563
Carbon	15,639	9.9	1,547	2,163	16.1	13,476	14,092
Albany	32,014	8.7	2,779	2,397	8.1	29,617	29,235
Goshen	12,538	6.2	774	1,107	9.7	11,431	11,764
Natrona	66,533	5.8	3,889	3,257	5.1	63,276	62,644
Converse	12,052	5.3	636	660	5.8	11,392	11,416
Platte	8,807	3.8	336	465	5.6	8,342	8,471
Wyoming North Platte Basin Total	264,994	10.6	28,116	20,512	8.4	244,482	236,878
Total Platte River Basin	3,530,907	23.0	813,316	560,042	18.9	2,970,865	2,692,286
State of Wyoming	493,782	7.9	39,112	31,669	6.9	462,113	454,670
United States	281,421,906	24.9	69,961,280	35,305,818	14.3	246,116,088	211,460,626

Notes: * Bureau of the Census Year 2000 data.

** Minority population (and percent) calculated by subtracting the non-hispanic white population from the total non-hispanic population, and then adding the difference to the hispanic population.

Colorado County, Central Platte River Basin, Platte River Basin, State, and U.S. Year 2000 Minority Population

Table EJ-3

Colorado Counties, Basins, State, & U.S.	Total Population*	Total Minority Population**	Percent Minority	Hispanic or Latino Population*	Percent Hispanic or Latino	Non Hispanic or Latino Population*	Non Hispanic White Population* (1 race)
Denver	554,636	266,639	48.1	175,704	46.4	378,932	287,997
Adams	363,857	133,357	36.7	102,585	39.3	261,272	230,500
Morgan	27,171	8,980	33.0	8,473	45.3	18,698	18,191
Weld	180,936	54,363	30.0	48,935	37.1	132,001	126,573
Arapahoe	487,967	127,223	26.1	57,612	13.4	430,355	360,744
Boulder	291,288	47,776	16.4	30,456	11.7	260,832	243,512
Logan	20,504	3,194	15.6	2,439	13.5	18,065	17,310
Jefferson	527,056	79,640	15.1	52,449	11.1	474,607	447,416
Sedgwick	2,747	371	13.5	314	12.9	2,433	2,376
Larimer	251,494	31,335	12.5	20,811	9.0	230,683	220,159
Douglas	175,766	18,080	10.3	8,886	5.3	166,880	157,686
Gilpin	4,757	380	8.0	202	4.4	4,555	4,377
Jackson	1,577	125	7.9	103	7.0	1,474	1,452
Park	14,523	1,092	7.5	628	4.5	13,895	13,431
Washington	4,926	358	7.3	310	6.7	4,616	4,568
Teller	20,555	1,453	7.1	718	3.6	19,837	19,102
Elbert	19,872	1,361	6.8	766	4.0	19,106	18,511
Clear Creek	9,322	563	6.0	361	4.0	8,961	8,759
Colorado South Platte Basin Total	2,958,954	776,290	26.2	511,752	20.9	2,447,202	2,182,664
Total Platte River Basin	3,530,907	813,316	23.0	560,042	18.9	2,970,865	2,692,286
State of Colorado	4,301,261	1,098,381	25.5	735,601	20.6	3,565,660	3,202,880
United States	281,421,906	69,961,280	24.9	35,305,818	14.3	246,116,088	211,460,626

Notes: * Bureau of the Census Year 2000 data.

** Minority population (and percent) calculated by subtracting the non-hispanic white population from the total non-hispanic population, and then adding the difference to the hispanic population.

Nebraska County, Central Platte River Basin, Platte River Basin, State, and U.S. Year 2000 Minority Population

Table EJ-4

Nebraska Counties, Basins State & U.S.	Total Population*	Total Minority Population	Percent Minority	Hispanic or Latino Population*	Percent Hispanic or Latino	Non Hispanic or Latino Population*	Non Hispanic White Population* (1 race)
Dawson	24,365	6,619	27.2	6,178	34.0	18,187	17,746
Scotts Bluff	36,951	7,494	20.3	6,352	20.8	30,599	29,457
Hall	53,534	8,716	16.3	7,497	16.3	46,037	44,818
Morrill	5,440	620	11.4	549	11.2	4,891	4,820
Adams	31,151	2,416	7.8	1,428	4.8	29,723	28,735
Lincoln	34,632	2,560	7.4	1,880	5.7	32,752	32,072
Buffalo	42,259	2,946	7.0	1,970	4.9	40,289	39,313
Banner	819	50	6.1	46	6.0	773	769
Cheyenne	9,830	595	6.1	438	4.7	9,392	9,235
Keith	8,875	489	5.5	375	4.4	8,500	8,386
Kimball	4,089	223	5.5	136	3.4	3,953	3,866
Arthur	444	19	4.3	6	1.4	438	425
Deuel	2,098	84	4.0	57	2.8	2,041	2,014
Sioux	1,475	51	3.5	34	2.4	1,441	1,424
Phelps	9,747	329	3.4	220	2.3	9,527	9,418
Kearney	6,882	223	3.2	161	2.4	6,721	6,659
Merrick	8,204	231	2.8	168	2.1	8,036	7,973
McPherson	533	15	2.8	8	1.5	525	518
Garden	2,292	62	2.7	33	1.5	2,259	2,230
Custer	11,793	240	2.0	108	0.9	11,685	11,553
Hamilton	9,403	191	2.0	107	1.2	9,296	9,212
Gosper	2,143	42	2.0	27	1.3	2,116	2,101
Nebraska Central Platte Basin Total	306,959	34,215	11.1	27,778	9.9	279,181	272,744
Total Platte River Basin	3,530,907	813,316	23.0	560,042	18.9	2,970,865	2,692,286
State of Nebraska	1,711,263	216,769	12.7	94,425	5.8	1,616,838	1,494,494
United States	281,421,906	69,961,280	24.9	35,305,818	14.3	246,116,088	211,460,626

Poverty Levels and Median Household Incomes

Concerning poverty levels, the Wyoming portion of the Basin had the highest percentage of individuals in poverty at 14 percent in the year 2000 Census, as shown in table EJ-5. The lowest median household income in the overall Platte River Basin occurred in Nebraska, at \$33,421. The entire Platte River Basin had about 9 percent of residents in poverty and an overall median income of roughly \$38,607.

Table EJ -5. Summary of Platte River Basin Percentages of Individuals at or Below the Poverty Levels and Median Household Incomes

Area	Percent of Individuals in Poverty	Median Household Income
North Platte Basin, Wyoming	14	\$34,910
South Platte Basin, Colorado	8.4	\$47,489
Central Platte Basin, Nebraska	11.3	\$33,421
Total Platte Basin	9.1	\$38,607
U.S.	12.4	\$41,994

Since the Platte River Basin has many counties with a wide range of poverty levels and incomes, tables EJ-6 through EJ-8 display the counties from the highest poverty levels to the lowest. Median household income levels generally trend with poverty levels, although there are exceptions.

In the Wyoming portion of the Basin, Albany and Fremont counties had the highest percentage of people at or below the poverty level in the entire Basin, and of the three states, Wyoming has the highest percentage. The other three counties in the highest five were Goshen, Carbon, and Natrona counties. The top five poverty-level counties in the Colorado portion of the Basin were: Denver, Jackson, Weld, Morgan, and Logan counties. Nebraska's top five in the Basin included: McPherson, Sioux, Garden, Morrill, and Scotts Bluff. In Nebraska, the top eight poverty-percentage counties are all located in the Scotts Bluff and Lake McConaughy regional economic areas (see figure EJ-2 for regional economic areas). These counties comprise about 80 percent of the Scotts Bluff Area and about 50 percent of the Lake McConaughy Area in the State of Nebraska. The few counties included in those economic regional areas located in Wyoming and Colorado are also high in the percentage of people in poverty.

Table EJ-6. Wyoming County, North Platte Basin, Total Basin, State, and National Poverty Levels and Median Incomes

Wyoming North Platte Basin Counties	Year 2000 Poverty Population	Percent Individuals in Poverty	Number of Individuals in Poverty	Median HH Income 1999 \$s
Albany County	29,652	21	6,227	\$28,790
Fremont County	34,975	17.6	6,156	\$32,503
Goshen County	12,085	13.9	1,680	\$32,228
Carbon County	14,595	12.9	1,883	\$36,060
Natrona County	65,011	11.8	7,671	\$36,619
Platte County	8,701	11.7	1,018	\$33,866
Converse County	11,934	11.6	1,384	\$39,603
Laramie County	78,087	9.1	7,106	\$39,607
Wyoming Portion of the North Platte Basin	255,040	13.0	33,125	\$34,910
Total Platte River Basin	3,460,653	9.1	316,054	\$38,607
State of Wyoming	479,485	11.4	54,661	\$37,892
United States	33,899,812	12.4	4,203,577	\$41,994

Notes: Most data provided by the Bureau of Census, and is based on 1999 dollars. Figures were calculated for the sub-basin and Basin. The number of individuals in poverty was calculated by multiplying the Census data for "Percent of Individuals in Poverty" by the "Year 2000 Poverty Population" for the sub-basin and Basin areas.

Year 2000 poverty population is not the total population since it excludes some unique populations, such as those in institutions.

The median HH income for the sub-basin and Basin are averages of the county medians.

Table EJ-7. Colorado County, South Platte Basin, Total Basin, State, and National Poverty Levels and Median Incomes

Colorado South Platte Basin Counties	Year 2000 Poverty Population	Percent Individuals in Poverty	Number of Individuals in Poverty	Median HH Income 1999\$s
Denver	544,580	14.3	77,875	\$39,500
Jackson	1,566	14	219	\$31,821
Weld	175,893	12.5	21,987	\$42,321
Morgan	26,555	12.4	3,293	\$34,568
Logan	18,536	12.2	2,261	\$32,724
Washington	4,883	11.4	557	\$32,431
Sedgwick	2,698	10	270	\$28,278
Boulder	282,582	9.5	26,845	\$55,861
Larimer	244,843	9.2	22,526	\$48,655
Adams	359,532	8.9	31,998	\$47,323
Arapahoe	482,500	5.8	27,985	\$53,570
Park	14,385	5.6	806	\$51,899
Teller	20,385	5.4	1,101	\$50,165
Clear Creek	9,253	5.4	500	\$50,997
Jefferson	520,001	5.2	27,040	\$57,339
Gilpin	4,722	4	189	\$51,942
Elbert	19,798	4	792	\$62,480
Douglas	175,025	2.1	3,676	\$82,929
Colorado Portion of the South Platte Basin	2,907,737	8.6	249,918	\$47,489
Platte River Basin Total	3,460,653	9.1	316,054	\$38,607
State of Colorado	4,202,140	9.3	390,799	\$47,203
United States	33,899,812	12.4	4,203,577	\$41,994

Notes: Most data provided by the Bureau of Census, and is based on 1999 dollars. Figures were calculated for the sub-basin and Basin. The number of individuals in poverty was calculated by multiplying the Census data for "Percent of Individuals in Poverty" by the "Year 2000 Poverty Population" for the sub-basin and Basin areas.

Year 2000 poverty population is not the total population since it excludes some unique populations, such as those in institutions.

The median HH income for the sub-basin and Basin are averages of the county medians.

Table EJ-8. Nebraska County, Central Platte Basin, Total Basin, State, and National Poverty Levels and Median Incomes

Nebraska Central Platte Basin Counties	Year 2000 Poverty Population	Percent Individuals in Poverty	Number of Individuals in Poverty	Median HH Income 1999 \$s
McPherson	530	16.2	86	\$25,750
Sioux	1,471	15.4	227	\$29,851
Garden	2,226	14.8	329	\$26,458
Morrill	5,328	14.7	783	\$30,235
Scotts Bluff	36,225	14.5	5,253	\$32,016
Arthur	442	13.8	61	\$27,375
Banner	811	13.6	110	\$31,339
Custer	11,582	12.4	1,436	\$30,677
Hall	52,417	12	6,290	\$36,972
Buffalo	39,341	11.2	4,406	\$36,782
Kimball	3,998	11.1	444	\$30,586
Dawson	23,965	10.8	2,588	\$36,132
Cheyenne	9,672	10	967	\$33,438
Lincoln	34,026	9.7	3,301	\$36,568
Adams	29,519	9.3	2,745	\$37,160
Keith	8,712	9.3	810	\$32,325
Deuel	2,072	9.1	189	\$32,981
Merrick	8,047	8.9	716	\$34,961
Phelps	9,468	8.9	843	\$37,319
Kearney	6,705	8.5	570	\$39,247
Gosper	2,086	7.9	165	\$36,827
Hamilton	9,233	7.5	692	\$40,277
Nebraska Portion of Central Platte Basin	297,876	11.1	33,011	\$33,422
Total Platte River Basin	3,460,653	9.1	316,054	\$38,607
State of Nebraska	1,660,527	9.7	165,385	\$39,250
United States	33,899,812	12.4	4,203,577	\$41,994

Notes: Most data provided by the Bureau of Census, and is based on 1999 dollars. Figures were calculated for the sub-basin and Basin. The number of individuals in poverty was calculated by multiplying the Census data for "Percent of Individuals in Poverty" by the "Year 2000 Poverty Population" for the sub-basin and Basin areas.

Year 2000 poverty population is not the total population since it excludes some unique populations, such as those in institutions.

The median HH income for the sub-basin and Basin are averages of the county medians.

SUMMARY

The Environmental Justice section of the FEIS (as well as in this Environmental Justice Appendix) included only a present conditions analysis since disproportionately high or adverse impacts are not expected to occur from the Program to low income or minority groups. Section 3-302 of E.O. 12898 generally states that agencies shall collect, maintain, and analyze information on minority and low income populations in order to determine whether their programs, policies, and activities have disproportionately high or adverse impacts to those populations. For this reason, minority and low income populations were identified in some present conditions, or baseline analysis only.

At a programmatic level, it seems unlikely that there might be any disproportionate impacts on minority or low-income populations from the Program. Reductions in cropping associated with water or land acquisitions are fairly small and would be distributed throughout the Basin. Further, few of the major crops in the basin are labor-intensive today. In the past, fairly large crews of farm laborers were needed to thin sugar beet crops. However, today's technology has essentially eliminated the need for so much manual labor. Also, the agricultural economics analysis projects no changes in the amount of land used to produce sugar beets under any of the alternatives. Any changes projected to occur to the current cropping patterns found within the various impact areas of the Platte River Basin are expected to affect only those crops with a much larger land base, such as corn, alfalfa, other hay, and small grains. These crops are not as labor intensive, and any changes to these crops would not disproportionately affect minority or low-income populations.

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ATTACHMENTS

Presidential Documents

Title 3—

Executive Order 12898 of February 11, 1994

The President

Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1-1. Implementation.

1-101. Agency Responsibilities. To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, 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 and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

1-102. Creation of an Interagency Working Group on Environmental Justice.

(a) Within 3 months of the date of this order, the Administrator of the Environmental Protection Agency ("Administrator") or the Administrator's designee shall convene an interagency Federal Working Group on Environmental Justice ("Working Group"). The Working Group shall comprise the heads of the following executive agencies and offices, or their designees: (a) Department of Defense; (b) Department of Health and Human Services; (c) Department of Housing and Urban Development; (d) Department of Labor; (e) Department of Agriculture; (f) Department of Transportation; (g) Department of Justice; (h) Department of the Interior; (i) Department of Commerce; (j) Department of Energy; (k) Environmental Protection Agency; (l) Office of Management and Budget; (m) Office of Science and Technology Policy; (n) Office of the Deputy Assistant to the President for Environmental Policy; (o) Office of the Assistant to the President for Domestic Policy; (p) National Economic Council; (q) Council of Economic Advisers; and (r) such other Government officials as the President may designate. The Working Group shall report to the President through the Deputy Assistant to the President for Environmental Policy and the Assistant to the President for Domestic Policy.

(b) The Working Group shall: (1) provide guidance to Federal agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(2) coordinate with, provide guidance to, and serve as a clearinghouse for, each Federal agency as it develops an environmental justice strategy as required by section 1-103 of this order, in order to ensure that the administration, interpretation and enforcement of programs, activities and policies are undertaken in a consistent manner;

(3) assist in coordinating research by, and stimulating cooperation among, the Environmental Protection Agency, the Department of Health and Human Services, the Department of Housing and Urban Development, and other agencies conducting research or other activities in accordance with section 3-3 of this order;

(4) assist in coordinating data collection, required by this order;

(5) examine existing data and studies on environmental justice;

(6) hold public meetings as required in section 5-502(d) of this order; and

(7) develop interagency model projects on environmental justice that evidence cooperation among Federal agencies.

1-103. Development of Agency Strategies. (a) Except as provided in section 6-605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b)-(e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum: (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (2) ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations. In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

(b) Within 4 months of the date of this order, each Federal agency shall identify an internal administrative process for developing its environmental justice strategy, and shall inform the Working Group of the process.

(c) Within 6 months of the date of this order, each Federal agency shall provide the Working Group with an outline of its proposed environmental justice strategy.

(d) Within 10 months of the date of this order, each Federal agency shall provide the Working Group with its proposed environmental justice strategy.

(e) Within 12 months of the date of this order, each Federal agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the Working Group. During the 12 month period from the date of this order, each Federal agency, as part of its environmental justice strategy, shall identify several specific projects that can be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy, and a schedule for implementing those projects.

(f) Within 24 months of the date of this order, each Federal agency shall report to the Working Group on its progress in implementing its agency-wide environmental justice strategy.

(g) Federal agencies shall provide additional periodic reports to the Working Group as requested by the Working Group.

1-104. Reports to the President. Within 14 months of the date of this order, the Working Group shall submit to the President, through the Office of the Deputy Assistant to the President for Environmental Policy and the Office of the Assistant to the President for Domestic Policy, a report that describes the implementation of this order, and includes the final environmental justice strategies described in section 1-103(e) of this order.

Sec. 2-2. Federal Agency Responsibilities for Federal Programs. Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin.

Sec. 3-3. Research, Data Collection, and Analysis.

3-301. Human Health and Environmental Research and Analysis. (a) Environmental human health research, whenever practicable and appropriate, shall include diverse segments of the population in epidemiological and clinical studies, including segments at high risk from environmental hazards, such as minority populations, low-income populations and workers who may be exposed to substantial environmental hazards.

(b) Environmental human health analyses, whenever practicable and appropriate, shall identify multiple and cumulative exposures.

(c) Federal agencies shall provide minority populations and low-income populations the opportunity to comment on the development and design of research strategies undertaken pursuant to this order.

3-302. Human Health and Environmental Data Collection and Analysis. To the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. section 552a): (a) each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income. To the extent practical and appropriate, Federal agencies shall use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(b) In connection with the development and implementation of agency strategies in section 1-103 of this order, each Federal agency, whenever practicable and appropriate, shall collect, maintain and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding facilities or sites expected to have a substantial environmental, human health, or economic effect on the surrounding populations, when such facilities or sites become the subject of a substantial Federal environmental administrative or judicial action. Such information shall be made available to the public, unless prohibited by law; and

(c) Each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding Federal facilities that are: (1) subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11001-11050 as mandated in Executive Order No. 12856; and (2) expected to have a substantial environmental, human health, or economic effect on surrounding populations. Such information shall be made available to the public, unless prohibited by law.

(d) In carrying out the responsibilities in this section, each Federal agency, whenever practicable and appropriate, shall share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among Federal agencies and with State, local, and tribal governments.

Sec. 4-4. Subsistence Consumption of Fish and Wildlife.

4-401. Consumption Patterns. In order to assist in identifying the need for ensuring protection of populations with differential patterns of subsistence consumption of fish and wildlife, Federal agencies, whenever practicable and appropriate, shall collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence. Federal agencies shall communicate to the public the risks of those consumption patterns.

4-402. Guidance. Federal agencies, whenever practicable and appropriate, shall work in a coordinated manner to publish guidance reflecting the latest scientific information available concerning methods for evaluating the human health risks associated with the consumption of pollutant-bearing fish or

wildlife. Agencies shall consider such guidance in developing their policies and rules.

Sec. 5-5. Public Participation and Access to Information. (a) The public may submit recommendations to Federal agencies relating to the incorporation of environmental justice principles into Federal agency programs or policies. Each Federal agency shall convey such recommendations to the Working Group.

(b) Each Federal agency may, whenever practicable and appropriate, translate crucial public documents, notices, and hearings relating to human health or the environment for limited English speaking populations.

(c) Each Federal agency shall work to ensure that public documents, notices, and hearings relating to human health or the environment are concise, understandable, and readily accessible to the public.

(d) The Working Group shall hold public meetings, as appropriate, for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning environmental justice. The Working Group shall prepare for public review a summary of the comments and recommendations discussed at the public meetings.

Sec. 6-6. General Provisions.

6-601. Responsibility for Agency Implementation. The head of each Federal agency shall be responsible for ensuring compliance with this order. Each Federal agency shall conduct internal reviews and take such other steps as may be necessary to monitor compliance with this order.

6-602. Executive Order No. 12250. This Executive order is intended to supplement but not supersede Executive Order No. 12250, which requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance. Nothing herein shall limit the effect or mandate of Executive Order No. 12250.

6-603. Executive Order No. 12875. This Executive order is not intended to limit the effect or mandate of Executive Order No. 12875.

6-604. Scope. For purposes of this order, Federal agency means any agency on the Working Group, and such other agencies as may be designated by the President, that conducts any Federal program or activity that substantially affects human health or the environment. Independent agencies are requested to comply with the provisions of this order.

6-605. Petitions for Exemptions. The head of a Federal agency may petition the President for an exemption from the requirements of this order on the grounds that all or some of the petitioning agency's programs or activities should not be subject to the requirements of this order.

6-606. Native American Programs. Each Federal agency responsibility set forth under this order shall apply equally to Native American programs. In addition, the Department of the Interior, in coordination with the Working Group, and, after consultation with tribal leaders, shall coordinate steps to be taken pursuant to this order that address Federally-recognized Indian Tribes.

6-607. Costs. Unless otherwise provided by law, Federal agencies shall assume the financial costs of complying with this order.

6-608. General. Federal agencies shall implement this order consistent with, and to the extent permitted by, existing law.

6-609. Judicial Review. This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person. This order shall not be construed to create any right to judicial review involving the compliance or noncompliance

of the United States, its agencies, its officers, or any other person with this order.

William Clinton

THE WHITE HOUSE,
February 11, 1994.

Attachment EJ-2

Poverty 1999 - Poverty Thresholds 1999

<http://www.census.gov/hhes/poverty/threshld/thresl>

U.S. Census Bureau

Poverty 1999

(Use landscape & legal printer options to print this table)

Poverty Thresholds in 1999, by Size of Family and Number of Related Children Under 18 Years

Size of family unit	Weighted average threshold	Related children under 18 years								
		None	One	Two	Three	Four	Five	Six	Seven	Eight or more
One person (unrelated individual).....	8,501									
Under 65 years:.....	8,667	8,667								
65 years and over.....	7,990	7,990								
Two people.....	10,869									
Householder under 65 years.....	11,214	11,156	11,483							
Householder 65 years and over.....	10,075	10,070	11,440							
Three people.....	13,290	13,032	13,410	13,423						
Four people.....	17,029	17,184	17,465	16,895	16,954					
Five people.....	20,127	20,723	21,024	20,380	19,882	19,578				
Six people.....	22,727	23,835	23,930	23,436	22,964	22,261	21,845			
Seven people.....	25,912	27,425	27,596	27,006	26,595	25,828	24,934	23,953		
Eight people.....	28,967	30,673	30,944	30,387	29,899	29,206	28,327	27,412	27,180	
Nine people or more.....	34,417	36,897	37,076	36,583	36,169	35,489	34,554	33,708	33,499	32,208

Source: U. S. Bureau of the Census, Current Population Survey.