



Environmental Justice
Annual Implementation Progress Report
FY 2013

Table of Contents

I. Introduction	1
II. Implementing Commitments of the EJ MOU	2
Focus Area 1: Implementation of the National Environmental Policy Act	2
Focus Area 2: Implementation of Title VI of the Civil Rights Act of 1964, as amended	3
Focus Area 3: Impacts from Climate Change.....	5
Focus Area 4: Impacts from Commercial Transportation and Supporting Infrastructure	7
III. Implementation of the DHS Environmental Justice Strategy	7
IV. Public Comments.....	11
V. Updates and revisions to the EJ Strategy	11
VI. Conclusion	11

I. Introduction

In 1994, President William Jefferson Clinton issued Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (Feb. 11, 1994), requiring 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 Department of Homeland Security (DHS) did not exist in 1994 and is thus not an agency expressly included in the EO, in August 2011, DHS joined sixteen other federal agencies in signing a *Memorandum of Understanding on Environmental Justice and EO 12898* (EJ MOU),¹ agreeing to make achieving environmental justice part of its mission.

In accordance with EO 12898 and the EJ MOU, DHS has undertaken a number of commitments to further the aims of environmental justice, including publication of an agency-wide Environmental Justice Strategy² and annual progress reports on its implementation.³

As explained more fully in the Strategy, DHS approaches environmental justice through the missions and general strategic framework set forth in the 2010 Quadrennial Homeland Security Review Report (QHSR), which guides the activities of the homeland security enterprise, including those of the Department.⁴ Environmental justice considerations can arise within three of the QHSR’s five homeland security missions: Preventing terrorism and enhancing security; securing and managing the nation’s borders; and ensuring resilience to disasters.

This Report summarizes the Department’s progress toward achieving the goals of EO 12898 during fiscal year (FY) 2013, with particular attention to four areas of interagency focus enumerated in the EJ MOU:

- implementation of the National Environmental Policy Act;
- implementation of Title VI of the Civil Rights Act of 1964, as amended;
- impacts from climate change; and
- impacts from commercial transportation and supporting infrastructure (i.e., “goods movement”).

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 Period Through FY 2011* (February 2012), and *Environmental Justice Annual Implementation Progress Report for the Period FY 2012* (February 2013), 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* (February 2010), available at <http://www.dhs.gov/quadrennial-homeland-security-review-qhsr>.

DHS is proud to be an active participant in the vigorous interagency effort to incorporate environmental justice values as it keeps the nation safe, secure, and resilient.

II. Implementing Commitments of the EJ MOU

Focus Area 1: Implementation of the National Environmental Policy Act

The principal legal framework for incorporating environmental justice into agency decision making is the National Environmental Policy Act (NEPA), the “basic national charter for protection of the environment” (40 C.F.R. § 1500.1(a)). Through NEPA, Congress directed federal agencies to integrate environmental factors in planning and decision making. During the decision-making process, agencies must consider the environmental, social, economic, and technical factors of proposed actions. The process provides officials, decision-makers, and the public with an understanding of the proposed action’s potential impact on the environment. For major actions that could significantly affect the environment, agencies must prepare an Environmental Impact Statement (EIS). EO 12898 and the EJ MOU underscore the importance of NEPA procedures to “focus federal attention on the environmental and human health conditions in minority communities and low-income communities with the goal of achieving environmental justice.”

The Secretary delegated authority to lead the Department’s implementation of NEPA to the Undersecretary for Management who then delegated this authority to the Office of the Chief Readiness Support Officer (CRSO). DHS NEPA implementing procedures contained in DHS Directive 023-01, *Environmental Planning Program*, require that DHS follow guidance issued by the President’s Council on Environmental Quality (CEQ) in performing reviews of proposed actions to identify potential environmental justice issues; CEQ first issued guidance on integrating environmental justice in 1997. Several DHS components also have NEPA offices active in creating environmental policy, including the Federal Emergency Management Agency’s (FEMA) Office of Environmental Planning and Historic Preservation (OEHP).

The EJ MOU affirms the commitment that “[e]ach federal agency shall provide opportunities for community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of meetings, crucial documents, and notices.”

In addition to efforts through DHS’s own NEPA process, DHS actively participates on the NEPA Committee of the Interagency Working Group on Environmental Justice (EJ IWG), currently co-chaired by the Department of Transportation (DOT) and the Environmental Protection Agency (EPA). In FY 2013, the NEPA Committee advanced efforts to improve the effectiveness, efficiency and consistency of the NEPA process across the government to enhance consideration of environmental justice through the sharing of best practices, lessons learned, training and resources. The Committee furthered several initiatives launched in FY 2012:

- **Cross-agency Training.** The NEPA Committee continued its cross-agency training series designed to inform agencies of the current state of NEPA-related environmental justice efforts across the government. Training focused on existing tools, methods, and agency-specific focal areas for further incorporating environmental justice analysis

within the NEPA process. Moreover, the NEPA Community of Practice Subcommittee continued to develop the federal compilation of environmental justice best practices for NEPA reviews.

- **Creating a Training Module.** The NEPA Committee furthered its work on the development of a national NEPA/environmental justice training module. The Education Subcommittee conducted an assessment of existing federal agency training materials on environmental justice and NEPA, which serve as a reference for the creation of the training module. DHS remains very active in this effort, participating in over twenty training development sessions to date.
- **Creating an Environmental Justice Resources Compendium.** The NEPA Committee published on EPA’s website the *Federal Interagency Working Group on Environmental Justice National Environmental Policy Act (NEPA)/EJ Resource Compendium*.⁵ The Compendium summarizes publicly-available information from federal agencies on the intersection of environmental justice and NEPA. Key references from the Compendium are available on the EPA NEPA webpage.⁶

Moving forward, the NEPA Committee will continue to advance cross-agency understanding of the role of NEPA in addressing and advancing environmental justice through the sharing and development of best practices, training and other measures.

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

By delegation from the Secretary and through regulations at 6 CFR Part 21, the DHS Office for Civil Rights and Civil Liberties (CRCL) leads the Department’s compliance program to assure that its federally assisted programs comply with Title VI of the Civil Rights Act of 1964 (Title VI) and the Department’s implementing regulations. Title VI prohibits race, color, and national origin discrimination by recipients of financial assistance from DHS. Environmental justice concerns may be presented in projects supported through federal financial assistance. Title VI provides an important tool for raising and addressing those concerns. The EJ MOU therefore prioritizes participating agencies’ ensuring vigorous and effective Title VI programs.

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.⁷ LEP persons (i.e., those who have a

⁵ US Environmental Protection Agency, Office of Enforcement and Compliance Assurance (OECA), *Federal Interagency Working Group on Environmental Justice National Environmental Policy Act (NEPA)/EJ Resource Compendium (October 2013)*, available at <http://www.epa.gov/environmentaljustice/resources/publications/interagency/nepa-ej-compendium.pdf>.

⁶ The key references from the Environmental Justice and NEPA Agency Resource Compendium are available at <http://www.epa.gov/compliance/nepa/nepaej/nepa-ej-policies-guidance.html>.

⁷ DHS published in the Federal Register on April 18, 2011, “*Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.*”

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 these intersections with environmental justice and educate recipients on fulfilling their language access obligations. Integrating LEP persons in environmental justice efforts, such as through multilingual outreach and the regular use of competent interpreters at meetings and other in-person interactions, supports environmental justice goals and compliance with Title VI.

In FY 2013, CRCL continued to develop and oversee the DHS-wide Title VI compliance program. Major activities included the development of a civil rights assurance and data collection tool for recipients of DHS grants and other types of federal financial assistance. Once fully implemented, organizations will be required to submit data and information on civil rights complaints made against them, including complaints that raise environmental justice concerns; and their policies and procedures to fulfill various civil rights obligations. CRCL anticipates implementing the new tool and process Department-wide in FY 2014.

Other FY 2013 accomplishments implementing Title VI within DHS include:

Technical Assistance to Recipients

- **Limited English Proficient Communities and Local Law Enforcement.** CRCL rendered on-site technical assistance to Washington State local law enforcement agencies on federal requirements to provide meaningful access to LEP persons under Title VI. Participants received information about applicable legal principles, skills necessary for effective interpretation when encountering LEP persons in the course of law enforcement activities, and resources for meeting the requirements. CRCL provided a number of resources, including the “I Speak” language identification materials and the *LEP Guide for Law Enforcement*. CRCL also participated in several meetings with local community members in the State and discussed language access rights under federal law.
- **Hurricane Sandy Response and Recovery.** As part of its disaster coordination responsibilities, CRCL collaborated with FEMA’s Office of Equal Rights (OER) and the Office of Disability Integration and Coordination (ODIC) to develop a statement and guidance for states, localities, and other federal recipients on their obligation to carry out disaster response and recovery activities in a nondiscriminatory manner. The document, *Tips for Effectively Communicating with Protected Populations*⁸ is available on the CRCL website.

Outreach to the Public on Federal Nondiscrimination Laws. A key aspect of ensuring compliance with federal civil rights laws is providing information to the public on their rights. To this end, CRCL carried out activities to inform the public of their rights under these laws as well as resources available to them.

⁸ Department of Homeland Security, *Tips for Effectively Communicating with Protected Populations*, available at <http://www.dhs.gov/publication/tips-effectively-communicating-protected-populations-during-response-and-recovery>.

- **Participation in Community Engagement Roundtables.** CRCL provided information directly to community members about its efforts to ensure nondiscrimination in DHS programs and activities through presentations at CRCL Community Engagement Roundtables in New York, Seattle, and Los Angeles.
- **Resources and Information on CRCL Website.** The CRCL webpages, being developed to complement existing outreach efforts, contain information on the Title VI compliance program, language access, disability policy, and environmental justice.

Federal Interagency Coordination on Title VI. DHS is an active participant on the Title VI Committee of the EJ IWG. Additionally, CRCL participates on the Title VI Interagency Working Group and co-chairs the Committee on Coordination that facilitates information sharing and development of tools and resources to advance coordination on Title VI compliance and enforcement.

- **Interagency Working Group on Limited English Proficiency Committee on Enforcement.** CRCL co-led a committee data collection project to identify how federal agencies integrate Title VI language access requirements into the pre-award phase of the grant-making process. The Committee is currently developing a report with the results of the data collection, including ideas and practices designed to assist federal agencies in strengthening compliance with language access requirements in the grant-making process.

Focus Area 3: Impacts from Climate Change

Across the United States and the world, climate change is already affecting communities, livelihoods, and the environment. The impacts of climate change – including an increase in prolonged periods of excessively high temperatures, poor air quality, heavier downpours, increased flooding, an increase in wildfires, more severe droughts, permafrost thawing, ocean acidification, and sea-level rise – are already affecting natural resources, ecosystems, economies, and public health across the Nation. These impacts are often most significant for communities that presently face economic or health-related challenges.⁹ The uneven nature of climate change impacts creates differing levels of vulnerability across countries, communities, and even households, with important implications for adaptive actions. In addition, non-climatic stressors can interact with and exacerbate the impacts of climate stressors. For example, social and economic factors (e.g., economic status, race, ethnicity, age, gender, and health) can significantly affect people’s exposure and sensitivity to climate change, as well as their ability to prepare and recover.

On June 25, 2013, President Obama announced his plan to cut carbon pollution and prepare the U.S. for the impacts of climate change. The President’s *Climate Action Plan*¹⁰ calls upon federal

⁹ Executive Office of the President, *Executive Order -- Preparing the United States for the Impacts of Climate Change* (November 2013), available at <http://www.whitehouse.gov/the-press-office/2013/11/01/executive-order-preparing-united-states-impacts-climate-change>.

¹⁰ Executive Office of the President, *Climate Action Plan* (June 2013), available at <http://www.whitehouse.gov/sites/default/files/image/president27sclimateactionplan.pdf>.

agencies to “continue to identify innovative ways to help our most vulnerable communities prepare for and recover from impacts of climate change” through annual federal agency environmental justice progress reports. This focus on building capacity in low-income, minority and tribal communities for climate adaptation comes from a number of policy mandates from both the White House and individual Agency leadership. These include:

- On November 1, 2013, President Obama signed an Executive Order,¹¹ which called for the Federal government to build on recent progress and pursue new strategies to improve the nation’s preparedness and resilience. The EO states that “adaptation measures should focus on helping the most vulnerable people and places reduce their exposure and sensitivity to climate change and improve their capacity to predict, prepare for, and avoid adverse impacts.”
- In the 2010 Interagency Climate Change Adaptation Task Force *Progress Report*,¹² the Task Force recommended actions in support of a national climate change adaptation strategy, and set forth among its guiding principles that agencies should “prioritize the vulnerable.” The report noted that agencies should design and implement adaptation plans with meaningful involvement from these same communities, and that the plans should prioritize helping people, places, and infrastructure that are most vulnerable to climate impacts while addressing issues of inequality and environmental justice associated with climate change.

Climate change represents a complex homeland security challenge with strategic implications for DHS. The risks posed or exacerbated by a changing climate - such as intensifying and more frequent extreme weather events, natural disasters, and sea ice changed in the Arctic - may either directly or indirectly affect core homeland security missions.¹³ Pursuant to EO 13514, *Federal Leadership in Environmental, Energy and Economic Performance* (Oct. 5, 2009), in FY 2012 then DHS Deputy Secretary Jane Holl Lute signed the DHS Climate Change Adaptation (CCA) Roadmap.¹⁴ Subsequently, in FY 2013 then DHS Secretary Janet Napolitano signed the updated CCA Roadmap.

The Climate Change Adaptation Executive Steering Committee, chaired by the Secretary’s Office, meets regularly to ensure timely execution of actions identified as priorities in the Roadmap. Additionally, the DHS Directors Group developed a Plan to focus and prioritize future agency actions. At the programmatic level, a Climate Change Implementation Working Group has been formed to oversee and monitor implementation of the multi-year DHS strategy.

¹¹ Executive Office of the President, *Executive Order -- Preparing the United States for the Impacts of Climate Change* (November 2013), available at <http://www.whitehouse.gov/the-press-office/2013/11/01/executive-order-preparing-united-states-impacts-climate-change>

¹² US Global Change Research Program, *Interagency Climate Change Adaptation Task Force Progress Report* (October 2013), available at <http://globalchange.gov/whats-new/agency-news/532-interagency-climate-change-adaptation-task-force-progress-report-released>.

¹³ U.S. Department of Homeland Security, *Climate Change Adaptation Roadmap* (June 2012), pg. i, available at http://www.dhs.gov/sites/default/files/publications/Appendix%20A%20DHS%20FY2012%20Climate%20Change%20Adaptation%20Plan_0.pdf

¹⁴ Ibid.

Focus Area 4: Impacts from Commercial Transportation and Supporting Infrastructure

In its role as protector of the nation's borders and the grantor of bridge permits, DHS is instrumental in the movement of goods. "Goods movement" refers to the distribution of freight (including raw materials, parts, and finished consumer products) by all modes of transportation, including marine, air, rail, and truck. Goods movement facilities, also called freight facilities, include seaports, airports, and land ports of entry, rail yards and rail lines, highways and high truck traffic roads, warehouse and distribution centers.¹⁵ At the same time, environmental justice calls for appropriate consideration of the environmental and health effects of goods movement and the need for effective communication with affected communities.

DHS and DOT co-chair the Goods Movement Committee of the EJ IWG. Established in the fourth quarter of FY 2012, the Committee has made a number of advancements in FY 2013, including:

- Completed Committee Action Plan for supporting federal agency initiatives to reduce the environmental and health effects of efforts related to commercial transportation and supporting infrastructure and impacts on low-income, minority and tribal populations, while assuring that overburdened communities have greater opportunities to benefit from federal efforts related to goods movement;
- Initiated the alignment with the EPA Ports Initiative to develop and implement an environmentally sustainable port strategy that identifies opportunities and finds solutions to help build a more sustainable ports system - one that creates healthy air quality for communities and reduces climate risk while supporting the economy and jobs; and
- Enhanced interagency collaboration by establishing a federal community website for information sharing, data collection, publishing and sharing analytical capabilities.

III. Implementation of the DHS Environmental Justice Strategy

The Department's 2012 Environmental Justice Strategy committed DHS to the seamless integration of environmental justice principles into its operations through concrete steps and ongoing operational improvements. In addition to the accomplishments already described as part of the four interagency focus areas discussed in Part II of this report, in FY 2013 DHS took additional steps to implement the Strategy, as described below. We are proud to present several examples of DHS headquarters and operational components' engagement with environmental concerns and in active outreach to potentially affected communities.

¹⁵ 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).

- **Creating a Directive and Instruction on Environmental Justice.** CEQ's regulations for implementing NEPA require each federal agency to develop NEPA procedures. The Department's current NEPA procedures, published in 2006, call for appropriate consideration of environmental justice in the NEPA process for proposed DHS activities. In FY 2013, the DHS Sustainability and Environmental Programs (SEP) completed a draft update of the Department's NEPA procedures (Directive and Instruction 023-01, *Environmental Planning Program*). This update includes the requirement to consider environmental justice pursuant to CEQ guidance under NEPA, EO 12898 and the DHS Environmental Justice Strategy. The final draft update was submitted for review to the CEQ in Q1 of FY 2014.

Immigration & Customs Enforcement (ICE)

- In FY 2013, ICE began drafting Supplemental Instructions for implementing NEPA and DHS Management Directive 023-01-01 on Implementation of NEPA.
- **Identifying and Addressing Environmental Justice Considerations in Programs, Policies, and Activities.** The DHS Environmental Justice Working Group (EJWG), comprising operational components and headquarters support, met bimonthly to review current and pending DHS actions and best practices. Below are a few examples of FY 2013 EJWG Component efforts.

United State Coast Guard (USCG)

- USCG Environmental Management (CG-47) completed revisions to the USCG Commanding Officer's Environmental Guide. The section on environmental justice was updated and revised to address the DHS Environmental Strategy objectives.
- CG-47 continued to revise the current USCG NEPA policy to ensure alignment with the DHS NEPA policy. Additionally, a complete revision to the USCG NEPA Instruction is planned and will include supplemental guidance and information on appropriately addressing environmental justice in USCG NEPA documents.

FEMA

- FEMA OEHP processed seventy-eight Environmental Assessments (EAs) in FY 2013, all which included an environmental justice section. No project specific action resulted in disproportionately high and adverse environmental or health effects to low-income and minority populations.
- FEMA's Region 4 office began developing a programmatic EA for the acquisition and demolition of over five hundred homes built in Louisville, KY, in the early 1940's, prior to floodplain regulations and Louisville joining the National Flood Insurance Program (NFIP) in 1978. The current drainage network in the project area neighborhoods consist of a combined storm water and sanitary drainage system (Combined Sewer Service Area), which decades ago replaced the natural drainage channels that carried water through western Louisville to the Ohio River. The targeted flood prone properties lay in a low area near the storm water inlets that carry runoff through the system. This proposed project is intended to decrease the number of homes damaged in this neighborhood due to flooding and remove low income and

minority populations from exposure to health risks associated with flooding and or combined sewage overflows which have been occurring in the project area.

In accordance with the NEPA process, FEMA is assessing the demographic composition in the project area early in the scoping stage with technical assistance and guidance from FEMA OER and developing plans to proactively engage the impacted populations in identifying potential impacts of the proposed action. FEMA OER and OEPH will continue to closely monitor this project to anticipate and respond to environmental justice issues that may arise during the NEPA process.

- **Developing Compliance and Review Capacity.** DHS implemented an enterprise-wide Decision Support System (DSS) for documenting proposed projects and activity compliance per the requirements of Directive 023-01. In FY 2013, the DSS was approved as the DHS Environmental Planning & Historic Preservation (EHPH) system of record for NEPA evaluation. The DSS includes environmental justice among the many environmental considerations evaluated in a NEPA review. Furthermore, the following Component training and education programs initiated in FY 2013 enhance DHS personnel environmental justice situational awareness.

Customs and Border Protection (CBP)

- CBP is working with the U.S. Bureau of Land Management (BLM) to provide U.S. Border Patrol Public Lands Liaison Agents training in paleontology and archeology for law enforcement. The training is currently being offered to agents in the Tucson area. The training will assist CBP with improving awareness and sensitivity to cultural and religious groups and aid in understanding issues of significance to those populations. Additionally, it will increase agents' knowledge and understanding of requirements under various laws. The public lands managed by the BLM are predominantly located in the western U.S., including Alaska. As a result, the specific duties of each BLM law enforcement officer can vary considerably and may intersect with the mission of CBP.
- CBP is increasing efforts to develop and implement a Historic Property Identification Program (HPIP) which includes a focus on identifying facilities that are significant to diverse populations. In FY 2013 as part of the HPIP, the Chula Vista Border Patrol Station was identified and assessed for its role in Latino history as an important 20th century site. Additionally, the I-15 Checkpoint in Riverside County, California, was identified and assessed for its importance to tribal parties.

USCG

- CG-47 continues to develop the NEPA Warrant Program. The Warrant Program will require, among other things, that all USCG employees signing official USCG NEPA documents have received training on the requirements of EO 12898.

FEMA

- Approximately one hundred thirty-seven (137) students received FEMA's Environmental Planning and Historic Preservation classroom training, of which,

NEPA and environmental justice are a component. Additionally, one thousand five hundred fifty (1550) students completed the online course independent study training. The student population comprised State Emergency Management staff, FEMA employees, Reservists and other federal, state and local officials.

- Approximately thirty (30) FEMA Region 10 personnel participated in a webinar training focused on EO 11988 and EO 12898. The training focused on strengthening environmental justice compliance during project reviews, engaging communities and mitigation strategies.
- **Communicating through Active Outreach Efforts.** In addition to the outreach activities described in the discussion of the Title VI focus area above, DHS headquarters and components took additional steps to engage potentially affected communities.

CRCL

- **Hurricane Sandy Response and Recovery:** CRCL activated its internal Disaster Civil Rights Coordination Team (DCCT) to address potential civil rights and civil liberties concerns involving disaster response and recovery efforts connected with Hurricane Sandy.
 - CRCL disseminated a joint ICE and CBP statement affirming there would be no immigration enforcement operations associated with evacuations or sheltering in the impacted areas. The statement aimed to encourage individuals regardless of their immigration status to take life saving measures in advance of the storm. CRCL translated the statement into Spanish, Simplified Chinese, Haitian Creole, Korean, and Vietnamese and disseminated it to its federal partners, community based organizations, and immigration groups.
 - CRCL contributed to the coordinated federal response efforts by deploying a senior advisor to the Joint Field Office (JFO) in New York to address disability-related issues on the ground. CRCL's staff member supported FEMA's Disability Integration Advisor in conducting field assessments of mass care shelters and disaster recovery centers to ensure accessibility for individuals with disabilities; engaging with community stakeholders and the New York City Mayor's Office to identify and address disability issues; launching a housing initiative to integrate disability accessibility considerations into all aspects of the federal disaster housing mission being coordinated out of the JFO; and collaborating with all levels of government to ensure that repairs are made to critical accessibility features such as ramps, lifts, and electricity for power wheel chairs.

USCG

- The USCG is the lead Federal agency under an Environmental Impact Statement (EIS)¹⁶ for the new Fort Hamer Road Bridge across the Manatee River in Manatee

¹⁶ United States Coast Guard, *USCG Draft Environmental Impact Statement For Proposed New Bridge Across The Manatee River, Mile 15.0, At Parrish, Manatee County, Florida* (July 2013), available at: <http://www.uscg.mil/hq/cg5/cg551/CGLeadProjects.asp>.

County, Florida. The USCG has advanced tribal coordination with the Seminole Tribe of Florida (STOF) regarding placement of a commemorative plaque in the county park at the bridge to mark the presumed location and history of a short-lived army fort during the Third Seminole War. In 1850, Fort Hamer served as the regional collection and embarkation point for more than a hundred Seminole Indians who were shipped (via paddlewheel steamer to New Orleans) to the Oklahoma Indian Territories, concurrent with the Cherokee 'Trail of Tears' banishment of native Americans. In addition, the USCG has coordinated with the STOF to minimize disruption of service for the historic STOF-owned/operated Dixie Queen paddle wheel tourist vessel that plies the New River and South Fork of New River in Fort Lauderdale. Environmental justice is addressed in Section 3.1.7 and 4.1.7 of the Draft EIS. Tribal consultation is addressed in Sections 3.2 and 4.2.

CBP

- CBP is in the process of executing two Programmatic Agreements (PA) under the National Historic Preservation Act (NHPA). As a part of the execution process, CBP is reaching out and coordinating with State Historic Preservation Officers (SHPO) and tribes across the northern and southwest borders. These PAs are representative of CBP's extensive effort to work collaboratively with tribes and SHPOs and improve relations by proactively gaining an understanding of issues of concern. Furthermore, the PAs help to assure CBP is a responsible partner to the local interest groups.

IV. Public Comments

There were no public comments received on the FY 2012 Environmental Justice Strategy Annual Implementation Progress Report. DHS remains open to public comment on the DHS Environmental Justice Strategy and Annual Reports.

V. Updates and revisions to the EJ Strategy

The DHS Environmental Justice Strategy was approved in February 2012. There are no updates or revisions to the DHS Environmental Justice Strategy for this reporting period.

VI. Conclusion

This FY 2013 Annual Report serves as the official update of Department activities relative to the FY 2012 Environmental Justice Strategy. The Department remains committed to the vision of avoiding burdening minority and low-income populations with a disproportionate share of any adverse human health or environmental risks associated with its efforts to secure the nation.