

# Environmental Justice Five-Year Implementation Plan First Annual Progress Report



U.S. DEPARTMENT OF  
**ENERGY**

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## Foreword

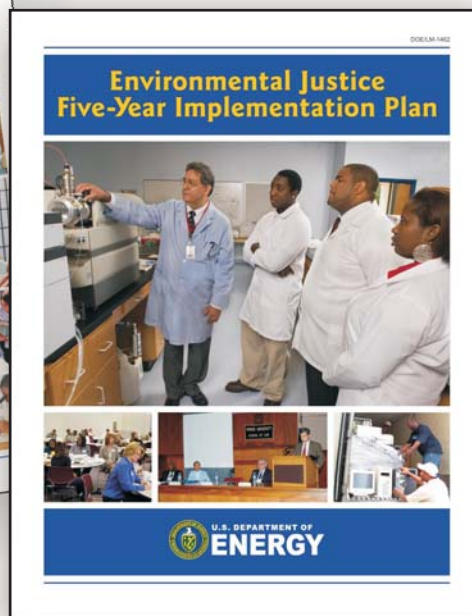
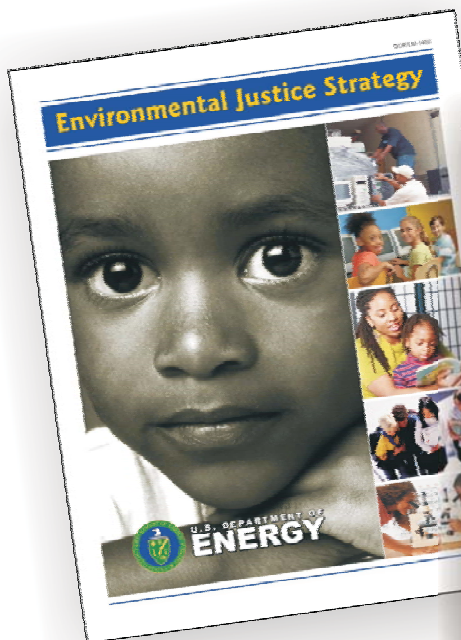
The Department of Energy's (DOE) *Environmental Justice Five-Year Implementation Plan* (Plan) sets an ambitious Departmental agenda that will guide our environmental justice (EJ) activities for five years. It sets forth an aggressive agenda, and is required to do so if we are to meet the demands that are spelled out in Presidential Executive Order 12898 and the Department's *Environmental Justice Strategy* (Strategy). This is the first plan of this nature that the Department has developed. All programs, offices, and activities have contributed to the work efforts to insure that we meet the Department's EJ goals and aspirations during the Plan years and beyond.

When the Deputy Secretary of Energy released the DOE Strategy at the second annual The State of Environmental Justice in America 2008 Conference held in May 2008, he promised that all stakeholders would have an opportunity to provide comments in response to our Plan. Many stakeholders did provide substantive comments after reviewing the Plan. To the greatest extent possible, practical, and permitted by law and DOE policy, we incorporated those comments into the Plan and our activities.

I am now asking for your comments on this progress report and suggestions that can improve our Environmental Justice Program. Please send me your thoughts and ideas. I look forward to working with you to reach the goals we have established for ourselves.

*Melinda Downing*

Melinda Downing  
Environmental Justice Program Manager



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# *Environmental Justice Five-Year Implementation Plan*

## *Highlights of Year One Activities*

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### **Introduction**

Environmental Justice, by definition, demands fair treatment and meaningful involvement of all people with respect to development, implementation, and enforcement of environmental laws, regulations, policies and activities. It works best when communities are able to care for themselves and can determine their own environmental fate. The fundamental principal of EJ is that all stakeholders should have meaningful and informed participation in all aspects of environmental decision-making that could affect their community. Traditionally many minority, low-income, and tribal communities have lacked access to the required information and technical advisors to be informed participants with respect to various risks that accompany numerous environmental activities. In order to provide the necessary assistance to these communities, DOE has created and conducts a number of capacity-building activities to help local community groups gain and sustain the necessary tools to achieve EJ for themselves.

Capacity building can be defined as the process that gives local community groups the necessary tools for meaningful participation in decision-making activities. They encourage citizen involvement and provide the tools that enable them to do so. Activities such as training and technical assistance programs improve the capability of stakeholders to participate in DOE environmental decision-making and activities.

Last year, DOE revised and reissued its Strategy, and issued the DOE Plan. The Plan sets forth a series of activities that upon completion will enable the Department to meet the goals outlined in the Strategy. Primary responsibility for accomplishing the various activities in the Plan lies with specific program offices, with coordination of the activities vested in the Environmental Justice Program Manager. An annual report will track Departmental success in meeting the Plan activities and hence the Strategy goals. This is our first annual Plan progress report.

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## New Activities

With the intent to increase EJ community capacity for participation in Departmental decision-making, the Environmental Justice Program developed a new activity for Historically Black Colleges and Universities (HBCUs) and other Minority Serving Institutions (MSIs) that we call the HBCUs Federal Opportunities Institute (Institute). The Institute is designed to give HBCUs and MSIs greater familiarity with Federal programs, make Federal programs better acquainted with HBCUs and MSIs capabilities, all for the purpose of providing HBCUs and MSIs with additional tools to support community participation in DOE decision-making.

This year the Environmental Justice Program conducted two Institutes. The first was at Tougaloo College in Tougaloo, Mississippi. The United States Department of Agriculture (USDA), the Mississippi State Office of USDA, the Department of Homeland Security, and the U.S. Army Corps of Engineers joined DOE to discuss how to collaborate with Tougaloo and other participating institutions to increase their Federal activities and provide greater assistance to community groups. A number of potential collaborations resulted from this Institute. For instance, the USDA Mississippi State Office has facilitated additional meetings with Tougaloo to better explain USDA programs and how HBCUs and MSIs can access those programs. Both USDA and DOE agreed to work with Tougaloo to establish a community technology center that will provide disadvantaged citizens with access to computers and high-speed internet with the intent to, among other things, increase their ability to participate in DOE and other Federal processes. All participants were pleased with the new relationships and commitments made at Tougaloo.

The second Institute was conducted at Tuskegee University in Tuskegee, Alabama. Many HBCUs and MSIs are suffering the triple threats of dwindling finances, decreased enrollments, and declining host communities. Many host

communities lack amenities sought by students, parents, and faculty members. As the host community suffers, so does the institution. Therefore, the topic of discussion in Tuskegee was how the institution and the host community can collaborate to stimulate the local economy and support the school's recruiting and retention efforts. One possible answer is to revitalize the host community.

The Revitalize the City of Tuskegee Forum attracted approximate 100 participants, including citizens and representatives of city, county, regional, state, Federal, university, alumni, philanthropic, faith-based, and bank-financing agencies and/or organizations. Tuskegee's Mayor Neal and Tuskegee University President Payton opened the forum with a unified message that the time is ripe to revitalize the city of Tuskegee, Alabama. They agreed that a revitalized Tuskegee would improve the local economy and increase the University's ability to recruit and retain high-quality students and faculty members.

Mayor Neal and other local participants also provided a vision for a revitalized city of Tuskegee. The vision focused on education, health care, public safety, and green jobs. Following the local vision presentations, various representatives from state and Federal government, the private sector, and philanthropic communities gave their reactions to the local vision along with potential assistance from their agencies. All participants agreed that the vision should be completed in a strategically planned manner.

The next step in the Revitalize the City of Tuskegee Initiative is to form a broad-based partnership to develop a strategic plan to acquire the resources and conduct the Initiative's initial activities.

On the following pages are the Plan accomplishments for Year One listed by responsible Program Office under each strategy goal.

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## Plan Year One Highlights

**Goal 1. Identify and address programs, policies and activities of DOE that may have disproportionately high adverse human health or environmental effects on minority, low-income, and tribal communities.**

GOAL 1

### Activities:

**1. Develop criteria for identifying disproportionately high and adverse human health or environmental effects on minority, low-income, and tribal communities. [Legacy Management (LM)]**

The Council on Environmental Quality (CEQ) addressed the criteria for identifying disproportionately high and adverse human health or environmental effects on minority, low-income, and tribal populations. The CEQ stated “agencies should recognize that the question of whether agency action raises EJ issues is highly sensitive to the history or circumstances of a particular community, or population, the particular type of environmental or human health impact, and the nature of the proposed action itself.” The CEQ went further to state that there is not a standard formula for how EJ issues should be identified or addressed, and set forth six principles to provide general guidance in this area. The six principles are:

- ◆ Consider the composition of the affected area;
- ◆ Consider relevant public health and industry data concerning the potential for multiple or cumulative exposure in the affected area and historical patterns of exposure to environmental hazards;

- ◆ Recognize the interrelated cultural, social, occupational, historical, or economic factors that may amplify the natural or physical environmental effects of proposed agency action;
- ◆ Develop effective public participation strategies;
- ◆ Assure meaningful community representation in the process; and
- ◆ Seek tribal representation in the process in a manner that is consistent with the government-to-government relationship between the United States and tribal governments.

The Environmental Justice Program has adopted these principles into the EJ training curriculum and for identifying disproportionately high and adverse human health or environmental effects on minority, low-income, and tribal communities.

**2. Conduct EJ activity assessments. (LM)**

This is an ongoing process and has been integrated into the regular course of business at DOE. Program offices frequently engage in reference conversations with the Environmental Justice Program Manager. In Year One of the Plan, the assessments were informal but serious.

**3. Develop criteria for identifying Departmental activities that are subject to Executive Order 12898. (LM)**

Please see response to Activity 1 above.

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## GOAL 1 (continued)

# GOAL 1

### 4. Fund the Emergency Preparedness Working Group (DOE-complex funded) for enhancing rural county emergency response capabilities. [National Nuclear Security Administration (NNSA)]

An emergency management grant program was instituted in fiscal year (FY) 2000 to provide funding for enhancing county emergency response capabilities in communities near the Nevada Test Site. To fund this grant, approved waste generators are charged an additional \$0.50 per cubic foot to dispose of low-level and mixed-level waste. The Nevada Department of Public Safety Division of Emergency Management administers the needs-based funding that is distributed according to applications submitted by the counties. In FY 2009, the working group received \$636,737.00. The amount of funding is based on the amount of waste deposited at the Nevada Test Site.

### 5. Identify Departmental activities that may have a disproportionately high adverse impact on human health or environmental effect on minority, low-income, and tribal populations. [Western Area Power Administration (WAPA)]

In 2009, WAPA refined criteria for identifying disproportionately high and adverse human health or environmental effects on minority, low-income, and tribal populations consistent with the CEQ guidance. WAPA will identify Departmental activities that meet the criteria in 2010.

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## Goal 2. Enhance the credibility and the public trust of DOE by further making public participation a fundamental component of all program operations, planning activities, and decision-making processes. **GOAL 2**

### Activities:

#### 1. Conduct two EJ strategy listening sessions. (LM)

The Department participated in the planning of two listening sessions during FY 2009. The initial session was conducted in Phoenix, Arizona, in conjunction with the Medical University of South Carolina. This session focused on Native American issues and attracted more than 50 participants. The basic item of interest at the session was gaining input from Native American communities to assist policy makers in the development of forward thinking and comprehensive plans for key issues concerning Native American communities. As a result of the session, DOE is better able to understand and respond to these issues and has improved working relations with the tribes and communities that participated in the session. The session also pointed out the need for additional technical assistance for tribes in the western states. In response, we are now planning three Community Leaders' Institutes in Indian Country in FY 2010.

The second listening session was postponed due to scheduling issues. It will be conducted in 2010.

#### 2. Develop an EJ policy. (EJ Task Force)

The DOE Environmental Justice Task Force drafted an EJ policy to cover all Agency environmental activities. The Task Force explored adverse and disparate issues regarding research, debate, and discussion of the equitable treatment and involvement of all people, especially minority and low-income populations, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. It also reviewed the Department's American Indian and Alaskan Natives Tribal Government Policy, and Public Participation Policy. Once implemented, the Policy is anticipated to result in: (1) an integrated approach to implementing EJ across the Department; (2) a more consistent approach that will result in decisions that reduce conflict and protect resources; and (3) an increased ability to make more just and cost-effective decisions, thereby resulting in long-term savings. The policy will be submitted for review and approval.

#### 3. Review the Department's advisory boards to ensure their memberships reflect the communities they represent. (LM)

Year One activities included a review of the Site-Specific Advisory Boards (SSABs) under Environmental Management's (EM) jurisdiction. These boards are designed to be reflective of the communities that are impacted by the site's activities. Composition of the SSABs is under constant review to insure that they reflect the communities impacted by site activities. Replacement of resigning board members is done in a manner, and to the greatest degree possible, such that any community interest lost through resignation or by natural attrition is replaced by similar community interest. All SSABs are populated in a manner that reflects the communities they represent. Other agency board reviews will be included in a subsequent report.

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## GOAL 2 (continued)

# GOAL 2

### 4. Enter into and/or maintain 15 stakeholder participation/technical assistance cooperative agreements with tribal nations. (EM)

EM currently maintains 15 funded cooperative agreements with tribal nations. Total FY 2009 funding for these agreements was approximately \$6 million.

#### Examples of work being performed through cooperative agreements:

- ◆ Hiring of scientific and tribal staff to examine site cleanup strategies and proposed work that may directly impact tribal rights and interests and support formal consultations;
- ◆ Providing comments to site and contractor staff on impacts from DOE sites to tribal lands including participation in the Natural Resource Damages Assessment process;
- ◆ Performing environmental monitoring activities and data collection which supplements DOE data;
- ◆ Establishing and maintaining tribal transportation and emergency response programs;
- ◆ Assisting DOE in performing work to preserve and protect cultural resources and properties on DOE sites as required by law; and
- ◆ Assisting EM in making sound decisions that impact their interests, and helping ensure EM meets its compliance obligations.

#### FY 2009 Highlights of Key Accomplishments

- ◆ Sustained tribal environmental program work with all the tribes involved in cooperative agreements in 2009 resulted in critical involvement in EM decision-making and transportation planning activities at the Hanford site, Los Alamos National Laboratory (LANL), and West Valley Demonstration Project. One specific example relates to Hanford and the inclusion of tribal input into EM decisions protecting cultural, religious, and natural resources related to Gable Mountain and the siting of communications towers.
- ◆ The Seneca Nation of Indians, as a result of the cooperative agreement with DOE, was able to provide significant involvement and comments to the West Valley Sitewide Environmental Impact Statement.
- ◆ The Nez Perce, Umatilla, and Yakama Tribes around the Hanford Site and the Santa Clara Pueblo around Los Alamos National Laboratory (LANL) have long sought to pursue the development of relevant tribal specific human health/cultural risk scenarios and studies related to those sites with the Department. These will be long-term projects. Major progress was made in 2009 in that decisions were made to pursue such risk scenarios/risk models with the tribes.
- ◆ The DOE Tribal Policy calls for DOE programs to assist tribes in economic development building. Additional support, through the cooperative agreement with Jemez Pueblo, has allowed their proposed solar project to become viable. As a result, high-level discussions are underway to plan for implementation of the project.



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## GOAL 2 (continued)

# GOAL 2

### **5. Create two new environmental partnerships (one inter-agency and one intra-agency). [Energy Efficiency and Renewable Energy (EERE)]**

The DOE Office of Energy Efficiency and Renewable Energy has teamed with the United States Department of Agriculture, the U.S. Environmental Protection Agency (EPA), the Department of Housing and Urban Development, and the National Renewable Energy Laboratory to form the Federal Tribal Energy and Energy Efficiency Team. This is an effort to coordinate and improve renewal energy activities on tribal lands. The team is currently developing its strategic plan for implementation. Development of a second partnership has been deferred until 2010.

### **6. Support one research hub with HBCUs, TCUs, and other MSIs for renewable energy research and development. (EERE)**

This activity will be developed in 2010.

### **7. Recruit interns from HBCUs, TCUs, and MSIs. (EERE)**

EERE did not recruit interns from these institutions in 2009, but will do so in 2010.

### **8. Support and update the U.S. Renewable Energy Power Plants Database. (EERE)**

The activity has been moved into 2010.

### **9. Recruit minority students. [Bonneville Power Authority (BPA)]**

Minority students were recruited as part of BPA's FY 2009 student recruitment program. BPA had 98 students in FY 2009. Of the 98 students, 6 were African-American, 11 were Asian, 1 was Native American/Alaskan Native, 5 were Hispanic, and 3 were mixed races.

### **10. Recruit minority and tribal interns. (BPA)**

In FY 2009, a total of 38 students on Student Career Employment Program appointments were converted from Student Trainee to Career Conditional positions. Of those 38 students, 21 percent were minorities. BPA also sponsored two students under the American Indian Science and Engineering Society (AISES) in FY 2009. In FY 2010, the agency will continue to support that program by recruiting at least three students from AISES. In addition, the strategy in FY 2010 is to move those students who have an interest in a career with BPA into BPA's student program.

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## GOAL 2 (continued)

# GOAL 2

**11. Invite minorities (Native Americans, African-Americans, and Hispanics) to serve on community advisory board, Nevada Test Site Programs, a citizen-based organization that is involved in staying apprised of the legacy environmental cleanup and long-term stewardship. (NNSA)**

No recruitment done in FY 2009. Next recruitment will be in FY 2010.

The Los Alamos Site Office (LASO) supports the Northern New Mexico Citizens Advisory Board (CAB) (see <http://www.nnmcab.org>). A major responsibility of the Board, regarding Environmental Management of LANL, is to provide meaningful opportunities for collaborative dialogue among the diverse multicultural communities of northern New Mexico, DOE, LANL, and state and Federal regulatory agencies. Recent LASO efforts include: increasing diversity among board members, broadening the scope of CAB topics to include EJ issues, reducing unnecessary technical complexity of considered topics, having more evening meetings to allow working people to participate, and reducing the hours required for participation.

**12. Support distribution of the Office's Operation Clean Desert Learning Trio (Trio). The Trio is an elementary learning program geared toward teaching environmental issues to religious organizations, community centers located in low-income neighborhoods, and at-risk schools and schools in rural areas. (NNSA)**

The Trio was viewed by approximately 15,500 people in FY 2009.

LASO and LANL are actively engaged in science education throughout northern New Mexico. LASO provides nearly \$300,000 each year to the Santa Fe Indian School to support curriculum development in math and the sciences. This historic school serves grades 7 through 12 and has an enrollment of approximately 700 students. It is located in central Santa Fe. Los Alamos National Security, LLC, LANL's management and operations contractor, has developed a Community Commitment Plan that invests approximately \$1 million per year to address regional education needs through student internship programs, teacher and faculty professional development initiatives, public understanding of science activities, and workforce development. Enhancing regional student and teacher interest in science, technology, engineering, and mathematics from pre-kindergarten through graduate school is an important focus of this investment. LANL also maintains facilities such as the Bradbury Science Museum and supports more than 25 additional education outreach programs, which range from the Pueblo Summer Environmental Science Project to the graduate research assistance internship program. Employee involvement in regional education activities is further strengthened by the LANL Science Education Community Service Time Program, which allows employees to spend up to 32 hours per year on activities such as science fairs, school presentations, and student tutoring. In FY 2008, 2,870 hours of Science Education Community Service Program time were served by LANL employees. LANL scientists also provide public presentations through the ongoing "Frontiers in Science" lecture series, which have frequently focused on environmental topics.

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## GOAL 2 (continued)

# GOAL 2

### **13. Conduct approximately 24 meetings and workshops that include announcements in Spanish and English and provide a Spanish interpreter. (NNSA)**

Six EM public meetings, one EM workshop (open house), and four NNSA public meetings were conducted in FY 2009.

LANL Environmental Outreach Programs strive to increase public knowledge of environmental stewardship methodology and practices at the Laboratory, and to use stakeholder input to make better stewardship decisions while improving our relationship and increasing public dialog. The goal is to clearly, consistently, and effectively communicate with the public in a timely, open, and interactive way. The Outreach vision is to operate a proactive and interactive environmental communication and public involvement program that is inclusive and responsive to communities, tribes, and Federal and state governments. Announcements of upcoming meetings are posted on the Web at <http://www.lanl.gov/orgs/cpo/cal3.shtml>. LANL has held public meetings on projects where meeting notices were published in both English and Spanish, and Spanish translation was offered.

### **14. Support one Teaching Radiation, Technology and Energy Workshop to provide learning activities about waste management and environmental radiation to area schools. (SRS)**

The SRS and Savannah State University (SSU) conducted a Teaching Radiation, Technology and Energy (TREAT) workshop in July 2009. Over fifty minority science and math teachers have been trained in waste management and environmental radiation through the three-day TREAT workshop.

### **15. Provide tours for Savannah State University (SSU) interns. (SRS)**

Interns from SSU were provided a tour of A areas–Savannah River National Laboratory (SRNL) and Ecology Laboratory; M area–Decontamination and Decommissioning Activities/Synami Underground Stripping; Wackenhut Services, Inc.; Defense Waster Processing Facility; and the Saltstone Facility. A total of eighteen students toured the site in 2009.

### **16. Participate in community outreach meetings with stakeholders to listen, develop trust, and provide opportunities for meaningful public participation. (SRS)**

The SRS coordinated a Community Leaders' Institute in South Carolina to inform local community leaders, politicians, and stakeholders on health, education, and transportation issues. SRS also participated in the DOE 2009 Nuclear Suppliers Outreach Conference and in two additional community outreach meetings. During the meetings, applications for the Superfund Job Training Initiative (SJTI) were received.

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## GOAL 2 (continued)

# GOAL 2

### **17. Participate in the annual EJ Conference, Three Community Leaders' Institutes, one Technical Assistance Workshop, and one made-for-television dialogue. (SRS)**

SRS participated and co-conducted a plenary session at the third annual The State of Environmental Justice In America 2009 Conference. Also in 2009, SRS coordinated a Community Leaders' Institute and one technology workshop in South Carolina. The purpose of the Institute and workshop was to inform local community leaders, politicians, and stakeholders on health, education, and transportation issues. One technology workshop was coordinated in South Carolina to provide opportunities for hands-on experience regarding successful grant applications. Several listening sessions were held in place of the made-for-television dialogue. The dialogue will take place in 2010.

### **18. Develop a questionnaire for stakeholders on their knowledge of SRS and EJ. (SRS)**

The questionnaire was not developed in 2009 due to lack of funding. The questionnaire development is scheduled for 2010.

### **19. Mentor and nurture SSU students toward graduate school opportunities in environmental science, environmental engineering, and environmental health-related disciplines. (SRS)**

Sixty-five students were provided graduate mentoring/research internships to nurture them toward successful completion of their degrees and to guide them to pursue graduate education in the science and technology disciplines. Of the 65 students, 20 have gone on to pursue PhDs in science disciplines.

### **20. Provide opportunities to students for research internship training at SSU. (SRS)**

Research experience was provided to undergraduate and graduate students to promote student participation in national and international conferences to present research findings. Numerous publications were authored and co-authored with mentees' findings including book chapters, peer-reviewed research articles, and abstracts. Thirty-five students were provided training.

### **21. Increase internship programs for the HBCUs Student Development Program. (SRS)**

The number of interns in the 2009 program was increased by 12.

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## GOAL 2 (continued)

# GOAL 2

### **22. Create opportunities for communities to participate in employment and entrepreneurial activities at Superfund Sites. (SRS)**

The SJTI is a job readiness program funded by the EPA to provide free training for underserved citizens. In 2009, nineteen program graduates secured full-time employment at SRS. Three additional individuals have been offered full-time employment as soon as they receive their general equivalency diplomas. The SJTI is a partnership among DOE-Headquarters, DOE-SRS, SRNL, Parsons, and the Imani Group (a community-based organization). The initiative began in December 2008 and will be followed up on until August 2010.

### **23. Acquire one summer intern to support and learn the SRS Environmental Justice Program. (SRS)**

One intern from Trinity College in Boston was recruited and worked June through August. The intern volunteered at the third annual The State of Environmental Justice in America 2009 Conference and provided general support to the SRS Environmental Justice Program and SJTI.

### **24. Participate in several listening sessions. (SRS)**

The SRS CAB is a listening session as the public is involved. There have been six CAB meetings in 2009. The SRS Environmental Justice Program Coordinator participated in all six sessions.

### **25. Recruit one tribal intern to work with renewable and corporate communications. (WAPA)**

Due to restricted funds, this action was deferred until 2010.

### **26. Continue to provide technical assistance such as anemometers, wind/hydro study results, and Open Access Transmission Tariff (OATT) procedures to tribes. (WAPA)**

This is an activity that WAPA provides to tribes on a regular basis. This activity was conducted throughout 2009.

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## GOAL 2 (continued)

# GOAL 2

**27. Facilitate the Hanford Federal Facility Agreement and Consent Order [Tri-Party Agreement (TPA)] for achieving compliance with the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) remedial action provision and with the Resource Conservation and Recovery Act (RCRA) treatment, storage, and disposal unit regulation and corrective action provisions, including the Community Relations Plan. [Hanford (HAN)]**

The Hanford Federal Facility Agreement and Consent Order, or TPA, was modified to come into compliance with CERCLA, RCRA, and the Community Relations Plan.

**28. Support the Public Information Repositories to give the public access to information on TPA activities and provide documents for public comment. (HAN)**

Each repository has been audited for current content and ease of access during the past year.

**29. Support the TPA-searchable automated database found at the Internet website: TPA Administrative Record and Public Information Repository ([www2.Hanford.gov/arpir/](http://www2.Hanford.gov/arpir/)). (HAN)**

The searchable database has been fully implemented.

**30. Support the Hanford Advisory Board. (HAN)**

The Hanford Advisory Board (Board) is a part of the EM SSAB, a stakeholder board that provides the Assistant Secretary for Environmental Management with independent advice, information, and recommendations on cleanup, restoration, future land use, long-term stewardship, and related issues. The Board received its annual funding in the amount of \$500,000 in FY 2009 and provided advice to the Hanford Site on a variety of issues. LM continues to support the Hanford Advisory Board.

**31. Continue publication and distribution of the Hanford Site Public Involvement Activities ([www.hanford.gov/?page=179&parent=29](http://www.hanford.gov/?page=179&parent=29)) and Hanford Events Calendar ([www.hanford.gov](http://www.hanford.gov)). (HAN)**

These activities have continued in compliance with the TPA Community Relations Plan.

**32. Support and implement the Department's American Indian Policy. (HAN)**

The Hanford Site continued to support and implement the Department's American Indian Policy.

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## GOAL 2 (continued)

# GOAL 2

### 33. Support the DOE Hanford Cultural and Historic Resources Program that reviews project activities to determine the impacts projects may have on cultural and historic properties on the Hanford Site. (HAN)

A major rewrite of the Hanford Site Cultural Resources Management Plan is currently under way.

### 34. Include EJ in any supplemental environmental projects. (HAN)

This objective has been achieved in that the variety of Supplemental Environmental Projects (SEPs) that might be performed now includes EJ considerations. However, since implementing the requirement, there have been no opportunities to undertake any SEPs to mitigate penalties or other requirements of an environmental enforcement action.

EM has taken a proactive approach to EJ by beginning EJ efforts before they are required by the National Environmental Policy Act (NEPA). Already mentioned, the capacity-building environmental programs are an important foundation to enabling the community to acquire the necessary technical, policy, and education programs required to participate in decision-making processes and restoration projects is the first step. Additionally, EM through the Greater than Class C (GTCC) Waste initiative, has been involving the tribes in writing portions of text for the GTCC Draft Environmental Impact Statement.

### 35. Participate in the identification of Federal actions through NEPA and address resulting potential EJ concerns. [Fossil Energy (FE)]

The DOE Office of Fossil Energy continues to utilize the NEPA process in identifying and evaluating disproportionately high and adverse human health or environmental effects in minority and low-income communities, within the context of Presidential Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations, Low-Income and Tribal Populations*. Results: All NEPA actions were completed without any EJ issues being identified by all parties.

### 36. Continue the external communications and public participation initiatives as strategies to enhance the credibility and public trust of the Department. [Oak Ridge Office (ORO)]

The ORO presented “Moving Forward through Partnerships” on May 28, 2009, at The State of Environmental Justice in America 2009 Conference held in Washington, DC. Highlighted was completion of all soil and debris at the Witherspoon environmental cleanup project located in a low-income area of Knoxville, Tennessee. As part of ongoing outreach efforts, the Environmental Management Program has an SSAB that ensures citizens have a voice in the cleanup efforts being undertaken in their community. Both the Board and the ORO each publish newsletters to keep citizens informed of public participation opportunities involving DOE activities.

*Public Involvement News* includes notices of public meetings and comment periods and is issued 12 times annually. It is mailed to over 500 stakeholders who have stated that they wish to receive this information. This newsletter is available on the ORO homepage along with the SSAB’s Newsletter, *Advocate*, which is published 4 times a year and is mailed to key stakeholders and is also available in public libraries.

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## GOAL 2 (continued)

# GOAL 2

### 36. Continue the external communications and public participation initiatives as strategies to enhance the credibility and public trust of the Department. (ORO) (continued)

The HBCUs/ORO Consortium Initiative provides opportunities for faculty and students from colleges and universities, including HBCUs/MEIs to conduct research with Oak Ridge National Laboratory (ORNL) scientists:

FY 2009	
Number of Participants	27
Number of Institutions	19
Number of HBCUs/MEIs	13

DOE, in partnership with the ORNL, taught a distance learning course in high-performance computing in the spring semester of 2009. As part of the ORNL HBCUs/MEIs Program, the course was offered to students at Knoxville College, Morehouse College, and Jackson State University under the ORNL's Mentor-Protégé Program agreements with these institutions. A course in nanoscience and technology is planned for the spring semester of 2010 for HBCUs/MEIs.

### 37. Fund the Transportation External Coordination Working Group to provide program information, address concerns, and enhance communications and interactions with state and tribal governments and other groups. [Office of Civilian Radioactive Waste Management (OCRWM)]

Due to lack of funding this activity was suspended.

### 38. Distribute excess office supplies and computer materials and equipment to Affected Units of Government (AUGs) that includes the Timbisha Shoshone Tribe and associated school districts. (OCRWM)

This is an active program that provides excess and surplus equipment to AUGs including the Timbisha Shoshone Tribe and associated school districts. This program was continued in 2009.

### 39. Meet with AUGs quarterly; develop podcasts in Spanish. (OCRWM)

Meetings will occur on an as-needed basis. Spanish podcasts deferred.

### 40. Meet with representatives from 17 tribes and organizations that have cultural and historic ties to Yucca Mountain. (OCRWM)

Meetings occur as needed. There were no meetings in 2009.



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## GOAL 2 (continued)

# GOAL 2

### 41. Sponsor undergraduate scholarship programs for minority students (HBCUs, TCUs, and MSIs). (OCRWM)

Six students enrolled and are receiving full scholarships and monthly stipends. Assuming appropriations are available, funding will be continued over the next two FYs until the current commitments have expired.

### 42. Finalize plan for coordinating and communicating with tribes along potential routes to the Yucca Mountain repository. (OCRWM)

All activities have been deferred due to Program funding reductions.

### 43. Donate Science Trek trailer to Nye County Nuclear Waste Repository Project Office. (OCRWM)

Trailer donations have been cancelled.

### 44. Implement plan for coordinating and communicating with tribes along potential routes to the Yucca Mountain repository. (OCRWM)

All activities have been deferred due to Program funding reductions.

### 45. Provide oversight funding to the Timbisha Shoshone Tribe. (OCRWM)

In FY 2009, oversight funding in the amount of \$213,044 was provided to the tribe.

### 46. Conduct an ethnographic study along the rail corridor with direct involvement of tribal elders to increase cultural understanding of the area. (OCRWM)

All activities have been deferred due to Program funding reductions.

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## Goal 3. Identify activities of DOE that improve research and data collection methods relating to human health and environment of minority, low-income, and tribal populations.

# GOAL 3

### Activities:

- 1. Review Department's research and data collection policies to ensure against disproportionate impacts on environmental justice populations. (LM)**

This activity was divided into two parts. The first part was to send out a memorandum to all program offices requesting identification of advanced research tools used to collect technical information and other data. This request included the collection tool as well as the collection policy associated with the tool. The second part of this activity was to analyze the data to determine whether any research or data collection policy would have a disproportionate impact on EJ populations. Part one of this activity was completed in FY 2009 and part two will be completed in FY 2010.

- 2. Conduct environment, fish, and wildlife mitigation and recovery programs. (BPA)**

BPA continually performs and funds, per various statutes, environment, fish and wildlife mitigation and recovery efforts. This is an ongoing effort. In FY 2009, the Obama Administration filed the Federal Columbia River Power System Biological Opinion with the U.S. District Court of Oregon after significant collaboration with regional stakeholders, states, and tribes.

- 3. Promote and utilize HBCUs and other minority organizations that provide sampling and environmental analysis services. (EERE)**

This activity has been deferred.

- 4. Assist the EPA to integrate EERE's NEPA documentation status, activities, community technology centers, and epidemiology studies into their NEPA-assist Web-based mapping application. (EERE)**

This activity has been deferred.

- 5. Conduct EERE training sessions and identify an EERE model program for EJ implementation. (EERE)**

This activity has been deferred.

- 6. Recruit at least one intern from HBCUs, TCUs, and MSIs. (EERE)**

This activity has been deferred.

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## GOAL 3 (continued)

# GOAL 3

### 7. Support research grants to the HBCUs, TCUs, MSIs, and HSIs. (NNSA)

The LANL Foundation is funded partially by Los Alamos National Security LLC and its employees. The Foundation awarded Educational Enrichment, Educational Outreach, and Small Educational Outreach grants that totaled \$3,376,598 to schools, non-profit organizations, and Pueblo/tribal communities supporting science, technology, engineering, math education, and community development in northern New Mexico. More information about the Foundation can be assessed at <http://www.lanlfoundation.org/index.html>. DOE provides scholarships to Native American college students to attend the Los Alamos branch campus of the University of New Mexico (UNM-LA) in order to major in the technology sciences. LANL actively recruits students for placement in this program. Many of the students in the program at UNM-LA come from the northern New Mexico Pueblo communities that are located close to LANL.

The LANL Government Affairs Office (GAO) partners with AISES, whose mission is to increase the representation of American Indian and Alaskan Natives in engineering, science, and other related technology disciplines. Each year, LANL recruits top American Indian students and professionals at the annual national AISES conference, assists AISES with reviewing/scoring numerous scholarship applications, provides volunteers for the annual statewide American Indian Science and Engineering Fair, and partners with AISES to host student tours and visits to the Laboratory. Additionally, GAO, in coordination with other LANL organizations, conducts recruitment of Native Americans at high schools and TCUs, both locally and regionally.

The LANL Pueblo Education Outreach Program is coordinated by the GAO, in partnership with the Los Alamos National Laboratory Foundation and Northern New Mexico College. The purpose of the program is to enhance and strengthen math and science education for students in kindergarten through sixth grade. The long-range purpose of this initiative is to develop a student pipeline to provide a local source of qualified graduates in science and engineering to fill technical positions at the Laboratory.

In FY 2009, NNSA awarded 26 grants totaling over \$34.1 million to 23 MSIs and 3 not-for-profit organizations and increased the Dr. Samuel P. Massie Chairs of Excellence Program by 3 new chairs, two in Physics and one in Engineering. In collaboration with five Federal agencies, NNSA co-sponsored the 2009 MSI Creating a Presence Technical Assistance and Capacity Building Conference which provided technical assistance training to approximately 350 participants from TCUs and MSIs.

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## GOAL 3 (continued)

# GOAL 3

### 8. Support the Community Environmental Monitoring Program (CEMP). (NNSA)

The CEMP continually operates throughout the year. All activities are being performed as planned.

RACER (Risk Analysis, Communication, Evaluation, and Reduction) is a database that was created to enhance the Laboratory's ability to effectively communicate data to the public in a uniform way. RACER provides Web-based access to environmental measurement data collected by LANL and the New Mexico Environment Department. Its purpose is to provide a "transparent" view to the public. Nearly six million data records are available. An integrated data analysis tool provides the user with a variety of features for analyzing, displaying, and mapping the measurement data. Data may be compared to applicable standards and screening values prescribed by regulators and agencies. Information may also be downloaded in spreadsheet format for additional analysis. RACER is administered by the New Mexico Community Foundation (NMCF). Public input is vital to RACER effectiveness. The idea is to help neighboring communities understand environmental releases of chemicals and radionuclides as a result of Laboratory operations. Anyone may access RACER to perform their own analyses, using the same data used by LANL and its regulators. The NMCF requests input for making RACER even more useful through an e-mail address available at the RACER site. See also <http://www.lanl.gov/environment/all/racer.shtml>.

### 9. Provide consultation with tribes and collect public input for proposed Western projects. (WAPA)

In FY 2009, WAPA conducted more than 40 public and 30 tribal meetings through the NEPA process. A section of each meeting is designed to identify minority, low-income, and tribal populations, and receive input on EJ concerns and improvements to agency EJ strategy. As a regular course of business, WAPA participates in a number of meetings and workshops to identify other Federal and private mechanisms for the Agency to enhance research and data collection to facilitate and improve our EJ activities.

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## Goal 4. Identify activities of DOE that further DOE leadership by integrating environmental justice with activities and processes related to human health and the environment.

# GOAL 4

### Activities:

#### 1. Develop an assessment tool to determine whether EJ principles are incorporated into Departmental activities. (LM)

LM is collaborating with NNSA to utilize an existing, integrated tool to provide necessary assessments using Web-based access to EJ data with the goal of incorporating EJ principles into the Department's activities.

#### 2. Develop a Department-Wide Environmental Justice Training Program. (LM)

The DOE Environmental Justice Training Development Team has developed an EJ training class to help our employees and contractors gain a greater awareness of EJ and strategies for incorporating EJ into DOE policies, decisions, and activities. The course gives the history of EJ in America, Federal actions to incorporate EJ in agency actions, the legal basis for EJ in Federal decision-making, the relationship between EJ and public participation, and other topics. It discusses the DOE Strategy and the Plan and provides resource materials to help employees and contractors understand EJ and how it can be incorporated into daily Agency operations.

#### 3. Conduct four sessions of EJ training for employees, contractors, and stakeholders. (LM)

This year the Environmental Justice Program conducted the EJ pilot training and an executive session for the Department and contractor environmental attorneys. In addition, the Office of Legacy Management will be trained in 2010 and a Web-based pilot training will be scheduled at the SRS in 2010.

#### 4. Establish performance criteria to evaluate progress toward achieving EJ. (LM)

There is a performance criterion associated with every activity listed under each goal of this Plan. Some of the activities are easy to measure where there are specific targets to be met such as conduct three listening sessions. Other activities required targets where success was subjective, and could be determined by the party responsible for conducting the activity. In those areas, our performance criteria required an accomplishment at or above the level for that activity for the previous year. In either case, every Program Office was aware of the level of expectation for each activity listed in the Plan.

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## GOAL 4 (continued)

# GOAL 4

### 5. Incorporate EJ into mission statements and strategic plans. (LM)

While EJ has been integrated into the fabric of DOE policies, programs, and activities, it is still our intent to prominently display EJ objectives on mission statements and strategic plans. The requirement for such action will be included in the new DOE Environmental Justice Policy that will be submitted for review and approval.

### 6. Incorporate EJ into NEPA planning. (EERE)

In accordance with CEQ guidance, EJ is now incorporated into NEPA planning.

### 7. Participate in annual EJ Conference. (SRS)

The DOE Environmental Justice Program is a founding sponsor of this annual conference that is conducted each spring in Washington, DC. SRS served on the Conference planning and co-conducted a plenary session of the 2009 conference.

### 8. Participate in one made-for-television dialogue. (SRS)

In response to community interest, two Community Leaders' Institutes were conducted in 2009 in place of the made-for-television dialogue. The made-for-television dialogue will be conducted in 2010.

### 9. Continue to address EJ through a high-standard NEPA process. (WAPA)

For all projects the NEPA document addressed activities that integrate EJ with activities and processes related to human health and the environment.

### 10. Continue to apply EJ principles in ongoing cleanup activities. (ORO)

In support of Goal 4, we will continue to apply EJ principles in our ongoing cleanup activities by identifying activities of the Department that further Departmental leadership by integrating EJ with activities and processes related to human health and the environment.

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## Summary and Conclusion

This is a report of accomplishments made in the first year of the Plan. The Plan contained a number of activities to be conducted each year. With any plan, minor adjustments are made where warranted as situations and circumstances change. Some activities met and exceeded their commitment while others were revised for better results. In any case, the accomplishments throughout the Department show a strong commitment to EJ and clear proof that EJ is being integrated into the fabric of our programs, policies, and activities.

The DOE Environmental Justice Program is pleased with the accomplishments achieved during the first year of the Plan. In addition, new activities were conducted in response to stakeholder requests. The Environmental Justice Program is conducted through a collaborative partnership with both internal and external stakeholders. Our stakeholders participated in the Plan design and in the activities execution. Our intent is that all DOE stakeholders feel a positive degree of ownership in the Program and will continue to help make achieving EJ for all a reality.

*Panel discussion at 2009 conference.*



*Students performing experiment in a laboratory.*



*Student group testing water.*

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# Environmental Justice Five-Year Implementation Plan First Annual Progress Report



U.S. DEPARTMENT OF  
**ENERGY**