



## Department of Energy

Washington, DC 20585

January 26, 2012

MEMORANDUM FOR DAVID W. GEISER

DIRECTOR

OFFICE OF LEGACY MANAGEMENT

FROM:

WILLIAM J. VALDEZ *WJV*

ACTING DIRECTOR

OFFICE OF ECONOMIC IMPACT AND DIVERSITY

SUBJECT:

Environmental Justice Five-Year Implementation Plan  
Progress Report

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In response to your December 28, 2011 memorandum requesting the Office of Economic Impact and Diversity's FY 2011 accomplishments and planned initiatives in pursuit of the Department's Environmental Justice Five-Year Implementation Plan, we are submitting the following progress report.

### **Background**

2011 was a busy year in ED regarding Environmental Justice. Most significantly, ED has revitalized its Environmental Justice enforcement mission. The Office of Civil Rights (OCR) has begun processing Environmental Justice Title VI complaints filed with the Department and is currently planning to provide a technical assistance visit to a recipient of federal financial assistance whose mission or operations affect the environment and EJ communities in 2012 or 2013. Moreover, OCR plays an active role in the Limited English Proficiency Interagency Work Group (LEP IWG), the Title VI Interagency Workgroup (Title VI IWG) and the Environmental Justice Interagency Workgroup (EJ IWG).

Additionally, OCR has begun an unprecedented effort to engage Tribal Communities and Native Americans in the Department's activities that have an environmental impact and to consider Tribal interests in Environmental Justice studies and programs at the Department. OCR is actively engaged in creating a more cooperative and equitable relationship between Tribal Nations and the Department.

Finally, ED has increased its collaboration with Historically Black Colleges and Universities (HBCUs) and other Minority Serving Institutions (MSIs) to support



Environmental Justice initiatives. Currently ED is engaged with Clark Atlanta University, Morehouse College and Spellman College in support of their EJ programs and activities. ED plans to increase its collaboration and expand its support to Hispanic Serving Institutions, Tribal Colleges and Universities, and Asian and Pacific Islander Institutions that have EJ initiatives underway or planned.

All of the above efforts will only increase in 2012.

**ED's FY 2011 Accomplishments Include:**

- **Development and Implementation of an EJ and Title VI Enforcement Program-** In 2011, ED, specifically OCR, stood up and began operating a rigorous Environmental Justice Title VI enforcement program. This program is responsible for processing and adjudicating Environmental Justice related complaints filed with the Department. In 2011, OCR began processing 3 complaints. These investigations are ongoing. OCR is also collaborating with other federal agencies to develop 'best practices' for investigations and EJ enforcement.
- **Development and Implementation of EJ and Title VI Compliance Program-** In 2011, OCR began developing a technical assistance program to ensure that recipients of federal financial assistance comply with Title VI and include EJ concerns in their ordinary business practices.
- **Interagency Cooperation-** ED plays a leading role in several EJ-related interagency workgroups and committees. In 2011 ED became a member organization of the EJ IWG, the LEP IWG, and the Title VI IWG. In 2011 ED OCR played a lead role in the development of an interagency Memorandum of Understanding (MOU) that committed most federal agencies to include EJ concerns in their organizational decision-making process. Additionally, ED OCR is a chair member of the EJ IWG Title VI committee. This committee is charged with increasing enforcement and assisting agencies in the development and execution of EJ Title VI programs. OCR also sits on the LEP IWG which is charged with increasing compliance and enforcement of LEP under Title VI.
- **EJ Stakeholder Engagement-** Beginning in 2011, OCR has hosted and participated in several stakeholder outreach meetings across the country. These sessions are intended to allow stakeholders to raise concerns with the Department before they arise to the level of a formal complaint. They are also intended to

provide meaningful access to EJ communities to the Department and its program offices.

- **Increasing Tribal Involvement and Awareness-** ED is committed to increasing Tribal involvement and influence in Departmental activities. To that end, ED co-hosted a breakout session on Education and Economic Development Opportunities during the 2011 Department of Energy Tribal Summit to provide guidance for tribally-owned small businesses, tribally-owned financial institutions, tribal colleges and universities, and others seeking to work with the Department. ED staff also regularly reaches out to tribal organizations and conferences to share information on contracting opportunities for tribally-owned businesses and Alaska Native Corporations. To increase awareness within the Department ED partnered with the Office of Indian Energy Policy and Programs to host Tribal training at the DOE Fall Environmental Lawyer's training. Additionally, ED developed an 'Energy Development in Indian Country' class that was offered to DOE employees as part of DOE's Native American Heritage Month programming.

Additionally, ED played an important role in forming a pilot program intended to recruit American Indian students to join student and faculty teams that will engage in community energy projects on Tribal lands with the mentorship and technological capability of the Department's National Laboratories.

- **Increasing the Dialogue on EJ-** In 2011, ED promoted the values of Environmental Justice through our website (<http://diversity.energy.gov>), blog posts on EJ programs and public participation opportunities, and our email distribution list (with over 50,000 subscribers from the general public).
- **Gulf Coast Initiative-** ED represents the Department on the Deepwater Horizon Integrated Services Team for Gulf Coast activities. In FY 10 we joined an intra-agency working group with subject matter experts in energy efficiency, renewable energy and other beneficial program offices for response to Gulf Coast initiatives. ED has also partnered with the Clean Economy Development Center to provide scholarship money for participant travel to the Clean Economy Roadshow(s), events in the Gulf Coast which connect local entrepreneurs and small businesses to community leaders and resources. On December 7, 2011, the Clean Economy Development Center hosted the Pensacola Clean Economy Roadshow, with the support of the City of Pensacola, the Department of Energy, the Department of Commerce, and other business leaders. 70 leaders from the Pensacola region participated in the event.

### **ED's 2012 EJ Plan and Initiatives:**

ED will continue to pursue and strengthen its overall EJ work and footprint. The EJ and Title VI program, for which ED OCR has sole responsibility within the Department, will continue to be developed, strengthened, and enhanced. Increased funding and resources have already been allocated for this activity. Additionally, ED will increase its outreach and training with regard to Tribal communities, their necessary involvement in the decision-making process, and the environmental impact on them by the Department's programs and projects. Also, ED will continue to strengthen its relationships with MSIs and help fund and develop their work as related to EJ. Some specific 2012 goals are as follows:

- **EJ Title VI Compliance and Technical Visit-** OCR is planning to conduct a site review and technical visit of one of our recipients of federal financial assistance. The goal is to ensure that recipients are complying with Title VI and that they are including EJ concepts into their management and implementation plans and that they are engaging impacted EJ communities in a meaningful and substantive way throughout the planning and implementation process of every project, decision, and program.
- **Tribal-** ED will facilitate the updating of DOE's 'Working with Tribal Nations' Consultation Guide that serves as a resource for DOE employees who work with Tribal Nations. Additionally, ED will continue to collaborate with other DOE offices to develop a comprehensive tribal training program that will meet the tribal training requirements mandated in DOE Order 144.1.
- **Education and Technical Assistance-** In FY 2012, ED will continue to assist in developing a *Clean Energy Education Campaign* so low income; minority and underserved communities understand how to access DOE energy programs as well as understand the environmental and economical benefits of clean energy. In 2012, ED will work with EERE, Office of Weatherization and Intergovernmental Programs; to develop communication strategies for DOE funding opportunities.
- **Atlanta Universities Consortium (AUC) Sustainable Campus Community Initiative (ASCCI)-** ED will help fund and support a collaboration with Clark Atlanta University, Morehouse College, and Spellman College to support capacity building in the areas of alternative, renewable and green energy technologies to:  
(1) develop an energy/science portal site available to all participating institutions'

students and faculty; (2) create an energy pipeline of students with the assistance of Oak Ridge National Laboratory (ORNL) through a 2-week High School Energy Summer Institute (HESI); and (3) create an Energy Stars Fellowship Program to attract talented students and employ them in energy research efforts at AUC or with a DOE laboratory.

- **Commitment to Gulf Coast Initiatives-** ED continues to represent the Department on the Deepwater Horizon Integrated Services Team for Gulf Coast activities. In 2012, ED will continue to lead and coordinate Gulf Coast initiative on behalf of the DOE. In 2012, ED will work with communities and stakeholder groups to provide information and access to DOE programs. Specifically, ED is represented on the EERE Community Deployment Working Group which is tasked with developing strategies for collaboration across EERE programs and with developing effective outreach mechanisms to state, local, and Tribal governments to make engage these communities in EERE programs. ED also plans to work with the Weatherization and Assistance Program (WAP) to remove barriers to Tribal participation in the program. This program in particular is viewed as critical to alleviating the hardship many Tribal households endure in the winter months because these households pay a much larger share of household income on heating costs.
- **Support to Minority Serving Institutions-** ED will provide support to new MSIs including Hispanic, Tribal, and Asian and Pacific Islander colleges and universities to participate in research and development, program evaluation, training, internships, scholarships, grants and contracts all related to EJ.

In summary, ED is working conscientiously and diligently as an organization to increase EJ enforcement, compliance, awareness, and stakeholder involvement throughout the Department. These efforts are ongoing and will continue in 2012 and beyond. If you have any questions regarding ED's EJ mission and efforts, please contact Pedro Pavon at 202-586-4866 or by email at [pedro.pavon@hq.doe.gov](mailto:pedro.pavon@hq.doe.gov).

cc:

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