

ENVIRONMENTAL JUSTICE Factor Sheet

06-11-2019

Wisconsin Department of Transportation

Alternative:	Preferred: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None identified	Project ID:
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EO 12898 (Environmental Justice) requires Federal agencies to achieve environmental justice by identifying and addressing disproportionately high and adverse human health or environmental effects, including the interrelated social and economic effects of their programs, policies, and activities on minority populations and low-income populations in the United States. Environmental Justice (EJ) is important because it helps ensure full and fair participation by potentially affected communities in every phase of the transportation decision-making process.

EJ considerations should be an integral part of the alternatives analysis process. EJ should be considered as early as scoping. It is far too late to consider EJ only when a preferred alternative is identified.

If the project development process has identified the potential for effects on minority populations or low-income populations, seek assistance from the Region Environmental Coordinator (REC), the Bureau of Technical Services Environmental Process and Documentation Section (BTS-EPDS) liaison or the Bureau of Technical Services Environmental Services Section (BTS-ESS) EJ specialist. If your project may result in disproportionately high and adverse impacts consult with the BTS-EPDS Liaison and FHWA.

Complete a copy of this Factor Sheet for each alternative carried forward for detailed analysis. If more than one alternative will have the same effects on minority populations or low-income populations, the alternatives may be described on the same sheet, but note at the top and throughout the sheet that it is being completed to reflect multiple alternatives.

Within the context of an EJ analysis and after every effort has been made to avoid, minimize and mitigate a disproportionately high and adverse effects on minority populations or low-income populations, one may only proceed with a program, policy or activity if further mitigation measures or other alternatives that avoid or reduce the effect are not practical.

When applicable, the information on this Factor Sheet should be consistent with what is included on the Environmental Document Template, the Relocations Factor Sheet, Community Factor Sheet, Agriculture Factor Sheet and the Business and Economic Factor Sheet, as applicable. Additionally, if there is an impact to Tribal Factors they will need to be discussed somewhere in the document or on the Other Factor Sheet. If there is discussion of indirect or cumulative impacts on this Factor Sheet, be sure they are also reflected in the indirect impacts and cumulative impacts discussion in the environmental document.

See Executive Order (EO) 12898 Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low-Income Populations: <https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>

See FHWA websites: https://www.fhwa.dot.gov/environment/environmental_justice/index.cfm or https://www.environment.fhwa.dot.gov/env_topics/environmental_justice.aspx

See WisDOT guidance: <https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/environment/environmental-justice.aspx>, <https://wisconsindot.gov/Documents/doing-bus/eng-consultants/cnslt-rsrcs/environment/EJflashcards.pdf>

See FDM 25 <https://wisconsindot.gov/rdwy/fdm/fd-25-00toc.pdf>

See CEQ guidance: <https://ceq.doe.gov/nepa-practice/justice.html>

See EPA resources: <https://www.epa.gov/laws-regulations/summary-executive-order-12898-federal-actions-address-environmental-justice>

1. Identify and give a brief description of minority populations and low-income populations that may be affected by the alternative. For each population identified, include the pertinent demographic characteristics and relative size. If the minority populations identified are also low-income populations, indicate so in the description.

Population Groups

- Black (origins in any of the black racial groups of Africa)
Describe:
- Hispanic or Latino (of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race)
Describe:
- Asian American (origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent)
Describe:
- American Indian and Alaska Natives (origins in any of the original people of North America or South America (including Central America), and who maintain cultural identification through tribal affiliation or community recognition)
Describe:
- Native Hawaiian and Other Pacific Islander (origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands)
Describe:
- 2 or more races including any of the above categories, as defined by U.S. Census
Describe:
- Minority and low-income
Describe:
- Low-income and non-minority
Describe:

Include pertinent demographic characteristics. Indicate, among other things, if low-income status applies to the population and identify special population subgroups, such as a disabled or elderly population. Also indicate if limited English proficiency (LEP) is an issue and the relative size of the populations.

Minority population means any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FHWA program, policy or activity. Similarly, low-income population means any readily identifiable groups of low-income persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FHWA program, policy or activity.

For FHWA purposes, low-income is a person whose median household income is at or below the Department of Health and Human Services poverty guidelines. The guidelines are updated annually and are available online at: <https://aspe.hhs.gov/poverty-guidelines> . This dollar amount needs to be considered within the analysis, even if additional analysis is also required to get a better understanding as to the population. See both the FHWA Order 6640.23A <https://www.fhwa.dot.gov/legsregs/directives/orders/664023a.cfm> as well as the Dec 16, 2011 FHWA memo https://www.environment.fhwa.dot.gov/env_topics/ej/guidance_ejustice-nepa.aspx, Guidance on EJ and NEPA.

Assistance in identifying minority and other special populations can be found through numerous resources including those identified on the BTS-EPDS website at: <http://wisconsin.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/environment/environmental-justice.aspx>

For definitions of EJ populations see <https://www.fhwa.dot.gov/legsregs/directives/orders/664023a.cfm> and <https://www.hrsa.gov/get-health-care/affordable/hill-burton/poverty-guidelines.html>.

Check analysis in metropolitan area long-range plans, if applicable, for information.

Where there are very few displacements, information on race, ethnicity and income levels should not be included in the environmental document to protect the privacy of those affected (FHWA Technical Advisory T6640.8A).

The populations noted here must be consistent with those identified in Question 12 of the ER and EA Template, Question 3.19 of the PCE Template or Question X in the CEC Template.

2. Describe how information on the alternative was communicated to minority populations and low-income populations:

Some methods that could be used to communicate project information to minority populations and low-income populations include:

- | | | |
|---|--|---|
| <input type="checkbox"/> Public involvement meetings (PIMs) | <input type="checkbox"/> Brochures | <input type="checkbox"/> Public service announcements |
| <input type="checkbox"/> Newsletters | <input type="checkbox"/> Notices | <input type="checkbox"/> Key persons |
| <input type="checkbox"/> Utility bill inserts | <input type="checkbox"/> Emails | <input type="checkbox"/> Direct mailings |
| <input type="checkbox"/> Advertisements | <input type="checkbox"/> Others, identify: | |

The Public Involvement Plan (PIP) should outline various methods for contacting and coordinating with the public. Check the Public Involvement Plan (PIP) to see what it says about outreach to minority populations and low-income populations. Outreach to minority populations and low-income populations might be done by contacting any of the following, as appropriate:

- Local Units of Government
- Business and trade organizations
- Civic groups
- Civil rights organizations
- Clinics
- Community or cultural organizations
- Employers
- Food pantries
- Homeowners or tenants
- Labor organizations
- Legal aid providers
- Local schools and libraries
- Minority business associations
- Multi-lingual media outlets
- Neighborhood associations or watch groups
- Non-profit advocacy groups
- Public health and human service agencies
- Rural cooperatives
- Senior citizen groups
- Social services agencies or organizations
- Tribal governments
- Universities, colleges and vocational school

This list is not exhaustive.

For additional guidance on public involvement and EJ see FDM 6.20.1 <https://wisconsin.gov/rdw/fdm/fd-06-05.pdf#fd6-5>.

Discuss the efforts involved and the input gathered therefrom. This information could come as a memorandum attached to the Factor Sheet.

3. How was input from minority populations or low-income populations obtained? Check all that apply:

- | | |
|---|---|
| <input type="checkbox"/> Public Information Meeting | <input type="checkbox"/> Focused small group information meetings |
| <input type="checkbox"/> Door-to-door interviews | <input type="checkbox"/> Focused workshop/conferences |
| <input type="checkbox"/> Focus group research | <input type="checkbox"/> Mailed surveys |
| <input type="checkbox"/> Public hearings | <input type="checkbox"/> Key person interviews |

Other, identify:

4. If there is a project advisory committee, identify which minority populations or low-income populations are represented and by whom.

- Yes, there was a project advisory committee. Indicate if any of the individuals participating self-identify as representing a minority population or low-income population. Describe:

Examples include: The Director of Centro Hispano served on the committee, a citizen of neighborhood X served on the committee, an Urban League member served on the committee, etc. Don't include the person's name.

No project advisory committee was formed, explain:

An advisory committee is not always needed if a single EJ group is identified and you meet directly with them.

See the following for assistance in comparing multiple alignments: <https://wisconsin.gov/Documents/doing-bus/eng-consultants/cnslt-rsrcs/environment/EJflashcards.pdf>

5. Will there be potential impacts of any kind to minority populations or low-income populations identified above?

No

Yes, describe:

The answer here should be consistent with the information included on the Environmental Document Template.

6. Have issues been identified concerning effects on minority populations or low-income populations related to the alternative been identified?

No issues or concerns related to effects have been raised.

Yes, issues or concerns related to effects have been identified. Describe what the issues or concerns are, who identified the issues or concerns (for example, identify if the issues were raised by the project team, through public involvement, through interagency coordination or by other means), and how the issues or concerns will be addressed:

A numbered list could be helpful in answering the Yes question above.

Successfully involving minority populations and low-income populations and obtaining their input throughout the project development process may be difficult. Project teams should be prepared to go beyond the formal meeting structure to obtain input. See Question 2 for ideas on groups/organizations to contact. Contact the REC, the BTS-EPDS Liaison or BTS-ESS EJ Specialist for additional information.

Minority populations and low-income populations are not necessarily a homogenous group. Include in the discussion the relative impacts for any distinct minority populations or low-income populations (as defined in Question 1 of this sheet). Impacts can differ from group to group among the identified populations.

This is not an exhaustive list, see the EJ Flashcards for assistance: <https://wisconsin.gov/Documents/doing-bus/eng-consultants/cnslt-rsrcs/environment/EJflashcards.pdf>

7. Would this alternative result in disproportionately high and adverse effects on minority populations or low-income populations? If the alternative will not result in disproportionately high and adverse effects, as indicated by checking the first or second box below, the remainder of this Factor Sheet does not need to be completed.

No disproportionately high and adverse effects on minority populations or low-income populations have been identified, explain:

Potential disproportionately high and adverse effects on minority populations or low-income populations could result from this alternative. Mitigation measures identified through consultation and public involvement have addressed all effects, explain:

Some or all disproportionately high and adverse effects on minority populations or low-income populations remain for this alternative.

Mitigation measures identified through consultation and public involvement have addressed some effects, describe:

Identify and describe the disproportionately high and adverse effects that remain:

A disproportionately high and adverse impact means an adverse impact that:

a) Is predominately borne by minority populations and low-income populations; or

b) Will be suffered by minority populations and low-income populations and is appreciably more severe or greater in magnitude than the adverse impact that will be suffered by non-minority populations and/or non-low-income population.

A determination of no disproportionately high and adverse effects must be supported with sound reasoning and evidence including information from the affected populations. The description should include the methods used to determine effects resulting from the proposed alternative and the involvement of the minority populations and low-income populations in making this determination.

If measures to address the issues or concerns that have been identified in Question 5 above, minimize or mitigate some or all the potentially disproportionately high and adverse effects on minority or low-income populations, those measures should be discussed above.

8. Will the alternative be carried forward with the remaining disproportionately high and adverse effects on minority populations and low-income populations? Approval of this document indicates concurrence with this determination.

- A. No, the alternative will not be carried forward because of disproportionately high and adverse effects on minority populations and low-income populations that cannot be mitigated. Check the appropriate box below.
1. Another alternative with less severe effects on minority populations and low-income populations can meet the purpose and need of the proposed action and is practicable
 2. Other, describe:
- B. Yes, the alternative will be carried forward with disproportionately high and adverse effects on minority populations and low-income populations. The alternative will be carried through final design without fully mitigating disproportionately high and adverse effects on minority populations or low-income populations. No additional practicable mitigation measures or alternatives to avoid or reduce the disproportionately high and adverse effects exist. A substantial need for the alternative exists based on the overall public interest. Alternatives that would have less adverse effects on minority populations and low-income populations would have:
1. Adverse social, economic, environmental or human health impacts that are more severe; or
 2. Would involve increased costs of an extraordinary magnitude.
- Describe why it is appropriate to proceed with an alternative that has disproportionately high and adverse effects on minority populations and low-income populations:

If there is a disproportionately high and adverse effect on an EJ population, after taking benefits and mitigation into account, the NEPA document must evaluate whether there is a further practicable mitigation measure or practicable alternative that would avoid or reduce the disproportionately high and adverse effect(s). For purposes of the EJ analysis of the practicability, the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects should be considered. The NEPA document needs to describe how the impacted populations/communities were involved in the decision-making process. The document needs to also identify what practicable mitigation commitments have been made. FHWA will approve the proposed action only if it determines no such practicable measures exist, and the FHWA determination ought to be stated in the document.

The FHWA EJ Order defines adverse effects as the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise and water pollution and soil contamination; destruction or disruption of human-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community; and the denial of, reduction in or significant delay in the receipt of or benefits of FHWA programs, policies or activities.

Impact categories or issues that could be identified, both temporary or long-term, may include:

- Changes in accessibility to work, school, shopping, churches, community centers, etc.
- Relocations/displacements
- Changes to transit/bus systems or transit routes/bus stops
- Changes in setting or aesthetics
- Changes in traffic congestion
- Changes in safety
- Changes in community cohesion or make-up
- Changes in noise or vibration
- Changes to economic development or businesses (look at businesses that are owned by, employ or serve minority populations or low-income populations)
- Changes to agriculture, agricultural operations which are owned by or employ minority populations or low-income populations
- Impacts on migrant workers
- Changes to natural resources including natural resources used for sustenance or economic viability
- Impacts to public/community gardens/urban garden tracts
- Impacts to wild rice beds, or tribal traditional sugar bushes or other traditional collecting areas
- Impacts to traditional hunting or fishing grounds
- Other concerns may include transportation changes, even temporary changes during construction, changes to the tax base, changes in travel time, changes in accessibility to resources such as groceries, schools, churches, community centers, etc.
- Impacts might not be limited only to direct impacts, but may also include indirect impacts and cumulative impacts

While a person, or persons, cannot bring a legal claim under any of the EJ orders, such person, or persons, can bring a claim under Title VI. Title VI of the Civil Rights Act of 1964, requires that no person, because of race, color, or national origin, be excluded from participation in, denied the benefits of, or in any other way be subjected to discrimination under any program or activity receiving Federal assistance. Any member of a protected class under Title VI may file a complaint with the FHWA Office of Civil Rights, Attention HCR-20, alleging that he or she was subjected to discrimination in violation of Title VI

All environmental commitments made to avoid, minimize or compensate for impacts must be included in Question 23 of the ER and EA Template, Section 5 of the PCE Template or Question XII of the CEC Template.