

Part 610 – National Environmental Compliance Handbook

Subpart H – Exhibits

610.107 Environmental Justice Evaluation Procedure Guide Sheet

ENVIRONMENTAL JUSTICE EVALUATION PROCEDURE GUIDE SHEET

STEP 1

In the area affected by the NRCS action, are there low-income populations, minority populations, Indian Tribes, or other specified populations that would experience disproportionately high and adverse human health impacts resulting from the proposed action or alternative?

If "No," additional evaluation is not needed concerning environmental justice. **Document the finding on the NRCS-CPA-52 and proceed with planning.**

If "Yes," go to Step 2.

If "Unknown," consult your State environmental specialist or equivalent and Tribal liaison for additional guidance, **and repeat Step 1.** **Note:** The USDA departmental regulation on environmental justice (DR 5600-002) provides detailed "determination procedures" for NEPA as well as non-NEPA activities and suggests social and economic effects for consideration.

STEP 2

Is the proposed action or alternative the type that might have a disproportionately high and adverse environmental or human health effect on a low-income population, minority population, or Indian Tribe ?

If "No," additional evaluation is not needed concerning environmental justice. **Document the finding on the NRCS-CPA-52 and proceed with planning.**

If "Yes," initiate community outreach or Tribal consultation to affected and interested parties that are categorized as low-income, minority, or as Indian Tribes. The purpose is to encourage participation and input on the proposed program or activity and any alternatives or mitigating options. Participation of these populations may require adaptive or innovative approaches to overcome linguistic, institutional, cultural, economic, historic, or other potential barriers to effective participation. If assistance is needed with this process, contact your State public affairs specialist or Tribal liaison. **Go to Step 3.**

STEP 3

Considering the results of the outreach initiative together with other information gathered for the decisionmaking process, will the proposed action or alternative have a disproportionately high and adverse effect on the human health or the environment of the minority, low-income, or Indian populations?

If "No," notify interested and affected parties of agency decision. Document on the NRCS-CPA-52.

If "Yes," consider the feasibility and appropriateness of the proposed alternatives and their effects and the possibility of developing additional alternatives or a mitigation alternative and **repeat Step 3.** Document the results of these early scoping sessions on the NRCS-CPA-52. If it is determined that there remains a disproportionately high and adverse effect on human health or the environment, or the project or action carries a high degree of controversy, select Option "5" in Q of the NRCS-CPA-52 and refer the action to the State environmental liaison for further analysis. An EA may be required to determine if the action is "significant." If it is known that the "action will have significant effects on the quality of the human environment," an EIS will be required (190-NECH, Part 610, Subpart C, Sections 610.44 and 610.45)).