Stoddard, Jamey

From: Grass, Running
Sent: Friday, October 30, 2015 12:19 PM
To: Peterson, Erik; Stoddard, Jamey; LaCroix, Matthew
Subject: RE: Chuitna HIA/EJ Analysis

Hi Everyone,

I am just back from Alaska and a facilitation assignment at UW yesterday and am now getting back to where I left off last week before I left. I appreciate your patience with the dislocations of travel schedules and....I appreciate the masterful responses and advice on HIA/EJ Analysis question that came up in my absence. I agree with pressing the Corps to get on with it and provide what we need to do our part effectively. In addition to E.O. 12898 and the other excellent references you all pointed out, they probably have their own EJ policy. I will check to see if they do and are a member of the EJ Interagency Working Group.

While in Anchorage I met with Corrine and was invited to visit Tyonek. My conversation with her made me realize the value of a visit to the community. Katherine and I pledged to look for the funding opportunity that would make that possible.

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From: Peterson, Erik
Sent: Tuesday, October 27, 2015 10:49 AM
To: Stoddard, Jamey; LaCroix, Matthew
Cc: Grass, Running
Subject: RE: Chuitna HIA/EJ Analysis

Jamey,

Good catch here. Short answer is, yes, I agree with your sentiment here. The public Draft EIS should have an adequate EJ analysis. And, if the Corps would like our help ensuring that the Draft EIS does have an adequate EJ analysis, then we would need an opportunity to review and comment on what they are proposing prior to going public.

A key document for EJ and NEPA is the Council on Environmental Quality's 1997 "Environmental Justice Guidance Under the National Environmental Policy Act". Some factors to consider from this Guidance.

- Page 4 - EPA's 309 review, "…must ensure that the lead agency preparing NEPA analyses and documentation has appropriately analyzed environmental effects on minority populations, low-income populations, or Indian tribes, including human health, social, and economic effects" How can we do this if there is no EJ analysis?
- A major component of the EJ executive order is meaningful involvement, effective public participation. Failing to include the EJ analysis in the public Draft EIS would be inconsistent with this intent.
- Page 14 – "Agencies should encourage the members of the communities that may suffer a disproportionately high and adverse human health or environmental effect from a proposed agency action to help develop and comment on possible alternatives to the proposed agency action as early as possible in the process." How would waiting to include the EJ analysis in the Final EIS provide enough of an opportunity for members of the impacted community to participate?

I haven't gone through an in depth review to find more specific Guidance on which phase the EJ analysis needs to be included in, but, based on a quick review of the CEQ Guidance and my sense of what specific relevant suggestions I'll find in other Executive Orders and NEPA policy – I can reiterate that the goal should clearly be for the Draft EIS to include an adequate EJ analysis.

With regard to the role of the HIA. I think I'd make my first point again, which is that we won't be able to tell if the EJ analysis is adequate, with or without an HIA, unless we have an opportunity to review the preliminary EJ analysis.

Also, Generally speaking EJ analyses do come later in the process, given how they depend on conclusions from analysis for other resources. The logic is - Are any of the air quality impacts disproportionately high and adverse? Are any water impacts disproportionately high and adverse? Etc. Then, the HIA helps with, are an human health impacts disproportionately high and adverse?

Hope that helps, and again, good catch to check on this and happy to talk more.

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From: Stoddard, Jamey
Sent: Monday, October 26, 2015 3:51 PM
To: LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>
Subject: Chuitna HIA/EJ Analysis
Importance: High

Hi guys-

I sent an email to Jason Berkner at the Corps wondering about the status of the Health Impact Assessment and whether or not we would be seeing that during our review of the PDSEIS. I was informed last week that the HIA will in fact not be complete by the time the PDSEIS is released for our review. Since the EJ section in the PDESIS will be incorporating much of the HIA analysis, we will not be seeing an EJ section in the PDSEIS either. Jason also stated that the "hope" was to have the HIA and EJ sections ready by the draft.

I put a call in to Running Grass last week but have yet to connect (I think he is in Alaska this week, maybe even meeting with NVT at some point, but I am not sure). I would also be interested in your respective reactions to this. Given the well-known concerns NVT (an EJ community) has expressed re: impacts to human health, subsistence resources, cultural way of life, etc, I personally would advocate that we push the Corps to require the HIA and EJ analysis be complete before the release of the DSEIS, if not the PDSEIS. I don't see how we could objectively perform our 309 review and rating on the draft with such a key component being incomplete. Thoughts?

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