



**DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000**

13 January 2023

CECW-P

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Interim Environmental Justice Guidance for Civil Works Planning Studies

1. References:

- a. Assistant Secretary of the Army for Civil Works (ASA(CW)) Memorandum for Commanding General, U.S. Army Corps of Engineers (USACE), Subject: Implementation of Environmental Justice and the Justice40 Initiative, 15 March 2022
- b. Director's Policy Memorandum (DPM) 2019-02, Subject: Operationalizing Risk-Informed Decision Making in Project Management (Planning Phase), 2 July 2019
- c. Engineering Pamphlet (EP) 1105-2-57, Subject: Stakeholder, Engagement, Collaboration, and Coordination, 1 March 2019
- d. Planning Bulletin 2018-01, Subject: Feasibility Study Milestones, 26 September 2018
- e. ASA(CW) Memorandum, Subject: Comprehensive Documentation of Benefits in Decision Documents, 5 January 2021

2. Purpose. The purpose of this memorandum is to provide guidance for incorporating Environmental Justice into Civil Works planning studies.

3. Background. On 15 March 2022, the ASA(CW) issued interim guidance for USACE Civil Works programs related to the implementation of environmental justice and the Justice40 Initiative. Per reference 1.a, "Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income regarding the development, implementation, and enforcement of environmental laws, regulations, and policies, with no group bearing a disproportionate burden of environmental harms and risks. Environmental justice and disproportionate impacts to disadvantaged communities shall be considered throughout the Civil Works programs and in all phases of project planning and decision-making, consistent with the goals and objectives of various Administration policies."

4. Discussion. In order to meet the requirements of the ASA(CW) interim guidance, ensure consistent incorporation of environmental justice in Civil Works planning studies, and to meet the goals and objectives of the Administration, the following direction is provided to guide Project Delivery Teams (PDT). The guidance provides a framework to ensure focused identification and

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engagement with underserved and disadvantaged communities, full inclusion of those communities in the study development and decision-making process, and additional requirements for the Alternatives Milestone Meeting (AMM).

5. Requirements.

a. Scoping. All planning studies will be scoped to include sufficient time and funding required to fully incorporate environmental justice considerations into study development. The scoping process will include comprehensive identification of communities with environmental justice concerns that may be affected by a proposed project. Study activities identified in the Project Management Plan (PMP) Work Breakdown Structure must provide for meaningful participation and access for identified underserved and disadvantaged communities, incorporating factors such as age, language, education, transportation access, and any others that may require enhanced coordination. Incorporation of environmental justice considerations will not be minimized to achieve specific study costs or timeframes.

b. Communication Plan. As required by DPM 2019-02 (reference 1.b), a Communication Plan will be developed by the PDTs following the procedures in EP 1105-2-57 (reference 1.c). The Communication Plan will be included in the PMP and will incorporate a stakeholder engagement strategy that explains how the Corps “will provide stakeholders, including underserved and disadvantaged communities, with information and integrate their input into the planning process.” Each Communication Plan will be submitted to HQUSACE after PMP approval.

c. Objectives and Constraints. PDTs will develop study-specific objectives and constraints to provide benefits and avoid disproportionate impacts to underserved and disadvantaged communities, respectively. Achievement of objectives will be measured in plan evaluation and subsequently utilized, along with other policy requirements, to compare and select an alternative plan.

d. Alternatives. Alternative formulation will include consideration of socio-economic, environmental, and other factors for underserved and disadvantaged communities such as health and safety, social vulnerability and resilience, economic vitality, social connectedness, cultural identity, and access to recreation. PDTs will ensure that measures benefiting underserved and disadvantaged communities are not prematurely eliminated due to cost effectiveness evaluations or other analyses that preclude an assessment of comprehensive benefits. Full documentation of alternative performance regarding underserved and disadvantaged communities will be included in all feasibility reports.

e. Alternatives Milestone Meeting. Discussion of environmental justice will be emphasized at the AMM and will include the following actions in addition to those listed in Planning Bulletin 2018-01 (reference 1.d):

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i. The District Planning Chief will describe how the scoping process that was conducted ensures incorporation of environmental justice into study development. The description will include actions that were taken to identify underserved and disadvantaged communities in the affected study area, including those communities that could potentially experience indirect effects. Additionally, the District Planning Chief will describe outreach that has occurred to date and future actions to ensure access and meaningful involvement. The presentation will also include a summary of how underserved and disadvantaged communities will participate in the decision-making process.

ii. The District Planning Chief will describe how environmental justice considerations were incorporated into the formulation of a representative array of distinctly different solutions. In describing the rationale for measure and/or alternative screening that has been conducted, specific explanation will be provided for any decisions that may have affected the inclusion of benefits for underserved and disadvantaged communities in study alternatives.

iii. Reference 1.e directs the Corps to provide a full accounting of total benefits for alternative plans across all benefit categories. The AMM presentation will specifically indicate how benefits for underserved and disadvantaged communities under all four accounts, but particularly Other Social Effects (OSE), will be described or measured, including the identification of potential metrics.

iv. The District Planning Chief will indicate strategies for carrying alternatives that benefit underserved and disadvantaged communities through plan evaluation and comparison, and how consideration of environmental justice and particularly the OSE account, when weighed equally against other accounts, will be factored into plan selection. Although more information may be necessary after the AMM to make a determination, the District Planning Chief will indicate the potential need for a policy exception from the (ASA(CW)) to recommend a plan other than the National Economic Development plan.

6. Questions regarding this memorandum should be directed to Ray Wimbrough, Senior Policy Advisor, HQUSACE Planning and Policy Division, at 202-761-4056 or raymond.l.wimbrough@usace.army.mil.

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Chief, Planning and Policy Division
Directorate of Civil Works

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