

USACE Planning and Policy Division


Environmental Justice

Frequently Asked Questions (FAQ)

25 April 2024

Recent Executive Orders, interim guidance from the Assistant Secretary of the Army (Civil Works), and subsequent direction from HQUSACE have provided additional focus and direction on Environmental Justice (EJ) for project delivery teams (PDT).

This FAQ document has been developed to provide situational information to planners and other members of PDTs and should help clarify common issues that are being encountered on USACE Civil Works studies. Where applicable, this document references existing policy and guidance; however, this document should not be used to support legal and policy review comments on draft or final reports.

The symbol, , denotes a resource or tool that is available to USACE employees on the USACE Knowledge Management Portal.

1. Identification of Underserved Communities.

Q. How should teams identify underserved communities for Environmental Justice-related purposes? How are such communities defined? What tools should they use?

A. There are three, equally important, distinct “Environmental Justice-related purposes:” (1) Fulfilling the requirements of Executive Order (EO) 14008 and the Justice40 initiative, (2) Implementation of specific provisions from the Water Resources Development Act of 2020 (WRDA 2020), and (3) Consideration of Environmental Justice in all USACE Civil Works actions, including analyses under the National Environmental Policy Act (NEPA).

For the first purpose, under Justice40 initiatives, underserved communities must be identified using the Council on Environmental Quality’s Climate and Economic Justice Screening Tool (CEJST): <https://screeningtool.geoplatform.gov/>. This tool specifies seven categories of environmental risk (or “burden”) and one category of socio-economic risk. Only two categories have been recognized to apply to USACE: Climate Change and Water & Wastewater. If the estimated area of your project’s proximate benefits intersects with census tracts identified by the CEJST as disadvantaged in either of these two categories, you must track and document (including in the final report) project investments and benefits for Justice40 purposes.

Additionally, Agencies must assess their policies, programs, and processes to develop strategic plans to engage identified communities. Since the Civil Works mission regularly intersects with the public, it was determined to be the starting point for agency change and implementation of Justice40 initiatives.

Under the second purpose, ASA(CW) has issued specific [implementation guidance under Section 160 of WRDA 2020](#). This definition of “Economically Disadvantaged Community” applies to all provisions in WRDA 2020 including any amendments, and future WRDA provisions for which no specific definition appears in the law. For example, the definition will be utilized for the implementation of Section 118 of WRDA 2020, which requires the establishment and implementation of pilot programs for Rural and Economically Disadvantaged Communities.

The third purpose of the term, “underserved communities” applies to the consideration of Environmental Justice issues more broadly in all USACE Civil Works studies such as Feasibility, Preconstruction Engineering and Design, Construction, Continuing Authorities Program (CAP), Dam Safety Modification Studies, and Planning Assistance to States. There will typically be three instances where the identification of underserved communities is needed, depending upon the study: (1) general scoping and outreach, (2) NEPA analysis, and (3) alternative evaluation, comparison, and selection. [CEJST](#) is the primary tool that will be used for geographic identification of underserved communities for both instances. Other tools, such as EPA’s [EJScreen](#) or IWR’s [SOVI-X](#) (Social Vulnerability eXplorer), may be used to supplement CEJST regarding information and/or context for study purposes, including NEPA analysis.

2. Timing of Initial Outreach and Involvement.

Q: For Continuing Authorities Program (CAP) or Specifically Authorized Studies, how soon should a PDT begin its outreach to underserved communities?

A: A PDT should immediately begin study area background research and outreach once a study is funded and the study area has been identified. Coordination with communities is essential during problem development and refinement in helping to determine whether an underserved community may be affected by a potential project. The complexity of the area also needs to be considered and a conservative approach is usually best (i.e., based on geographic/political or other boundaries considered in authorized projects). Teams should not wait until specific measures or alternatives have been formulated and evaluated to begin conducting outreach.

Early coordination with the non-federal sponsor, community, agencies, and interest groups is paramount to conducting outreach and building relationships with identified communities for an individual study. Sponsors are partners in CAP and feasibility studies and can provide excellent resources and communication opportunities.


Charrettes are not required, but are strongly encouraged, and can greatly improve participation of communities in the Planning process by establishing relationships early and often as the study progresses. Teams should explain their understanding of the problems that are occurring in the identified communities, ask the communities for their perspective of the problems, and ask them if they have proposed and/or preferred solutions. If their plans or ideas are not eventually incorporated into a project, you should directly explain why rather than assuming they will read the report. A community may or may not agree with a decision, but they should be informed why a recommendation is or is not being made. Where feasible, identify other Federal agencies and


resources that communities may work with to address other problems that cannot be implemented through the project or may be beyond the specific study authority or program.

3. General Outreach and Meaningful Involvement.

Q. How does a PDT ensure that its outreach efforts are productive and provide meaningful involvement with underserved communities and socially vulnerable groups?

A. First, refer to the [Interim Environmental Justice Strategic Plan](#), which establishes strategic policy for the agency. District and MSC employees should be familiar with this document as it provides an overarching direction for Civil Works. Each district has also developed strategic plans that lay out a strategy for building internal capacity and preparing for specific Environmental Justice-related outreach efforts. The Collaboration and Public Participation Center of Expertise (CPCX) [Guide for Preparing District Environmental Justice & Outreach Strategies](#) also has valuable information that can help guide a PDT.

Second, acknowledge and explicitly document the goals and objectives of your outreach efforts in the study communication plan. The CPCX has developed an annotated version of the [USACE Communication Planning Workbook](#)  to fully consider an intentionally plan to reach communities which have been underserved/underrepresented; it is an excellent resource and can be used to develop a communication plan to guide outreach efforts. Communication plans should include objectives such as acquisition of community knowledge about local conditions, understanding community perspectives and preferences, informing the community about the study purpose and how it will be conducted, and establishing or strengthening trusting relationships.

Third, refer to a suite of resources available to help plan and implement an equitable approach, including documents and webinars from the CPCX, the [Collaboration and Public Participation CoP](#) , and the Planning CoP, highlighting best practices and case studies. Likewise, the identified MSC Environmental Justice Leads, District EJ Coordinators, staff of the CPCX and the Public Involvement Specialist cadre are available to answer questions and assist. They have a breadth of knowledge and are connected to an enterprise-wide network of experts.

Lastly, meet communities where they are. Public meetings that are equally open to all may lead to skewed participation in which those with greater resources participate at a higher rate than those who lack resources. Thus, additional efforts are likely required to reach communities that are of particular interest in an Environmental Justice context. While direct outreach may be appropriate and effective in some cases, it is often more effective and less intrusive to identify an organization or trusted representative of the community or group in question, and to work with them as an ally in reaching out to the community or group.

4. Levels of Participation.

Q: Is there a measure for what level of participation is considered acceptable from groups or communities or is making the effort to involve them all that is needed?

A: There is no absolute or objective measure for judging acceptable sufficient and “meaningful” participation from an underserved community or group. Each study is unique and could require different levels of participation depending on a number of factors. Use the “[Determining Stakeholder Engagement Level Worksheet](#)” (Integrated Communication Planning Process 28000 Appendix A) to figure out what level is most appropriate for your situation. Each PDT will need to make an informed judgment call, based on the array of underserved communities in the study area, the complexity of the project and anticipated effects, etc. Some questions that may help to guide discussion toward a decision: Have all the potentially affected underserved communities been identified and informed about the project? What is their expectation/interest for involvement in the study? How will you provide them with reasonable opportunities to participate in alternative development and the decision-making process? What accommodation will you need to provide for underserved communities that may not have adequate transportation, access to technology, or other factors that could limit communication? Lastly, what are the risks of moving forward without engaging or hearing from certain groups and have you evaluated those risks in the study risk register? How would the project benefit from targeted outreach to those groups?

5. Type and scales of Alternative Plans.

Q: How does a PDT determine what type and/or scale of measure/alternative should be considered for an underserved community, particularly if a plan may need to be justified via comprehensive benefits?

A: Currently, there is no precise numerical methodology that can determine the exact type and/or scale of measure/alternative that should be recommended for an underserved community. In general, the recommended plan should be sufficient to alleviate the specific problems being encountered, such as a reduction in the risk of flooding. For example, a Flood Risk Management study shouldn’t induce flooding in adjacent communities and should optimize benefits specific to the underserved areas (and not just apply the optimized level of risk reduction being recommended for the rest of the study area to the underserved areas). The report should discuss, using a comprehensive benefits framework, why a specific level of risk management is being recommended for the underserved community.

Although measures or alternatives being recommended for underserved communities via comprehensive benefits may not be evaluated in the exact same manner as those in the National Economic Development (NED)/National Ecosystem Restoration plan, the level of output should not be reduced just because the economic output is less. The level of risk management or benefits for an underserved community does not necessarily need to match that of the rest of the study area, but the study team should consider all relevant criteria and fully document all the

findings (positive or negative) in the report. Direct communication with the underserved community and/or groups that may represent them should be factored into any evaluation of proposed measures or alternatives. If a different type of measure is being recommended for an underserved community versus an area that is economically justified, you must be able to explain why that measure is sufficient to alleviate the problems being encountered and is not a “lesser” solution than the one being proposed for the economically justified area. Mitigation and non-standard measures should not be used as the default solution to address problems in identified communities. Solution-based decision making is critical in ensuring projects are planned and developed in an equitable manner.

6. Timing of Comprehensive Benefit Assessments.

Q. When should Comprehensive Benefits be addressed in a feasibility study?

A. Consideration of comprehensive benefits must be included from the initiation of the study and is applied at the beginning of the six-step planning process. Generally speaking, consideration of comprehensive benefits translates to comprehensive identification of problems; comprehensive opportunities; comprehensive alternatives. If a comprehensive view of the problems is not established, it is impossible to have a comprehensive consideration of the solutions—the right data will not be collected; the right study area may not be established; the full range of stakeholders will not be considered.

Adequate identification of problems and opportunities, not only those that may produce NED benefits, must be performed to fully inventory and forecast conditions and formulate a sufficient array of alternative plans. Formulation of plans to only achieve NED benefits does not comply with the Assist Secretary of the Army (Civil Works) [Implementation of Environmental Justice and the Justice40 Initiative Interim Guidance](#) (15 March 2022) or the USACE [Interim Environmental Justice for Civil Works Planning Studies](#) (13 January 2023) and could lead to selection of a plan that does not adequately consider environmental or socio-economic effects or benefits for underserved communities. Plan evaluation should be concurrent for metrics or attributes in all four accounts, not just NED. Consideration of comprehensive benefits should not be “added” to a constrained analysis that was only focused on NED.

7. Comprehensive Benefits justification.

Q: Is the presence of an underserved community in a project area enough to justify federal interest in a project, or do other factors need to be addressed?

A: The presence of underserved communities may lend support to justification of a project, but just because an area that is affected by problems contains one or more underserved communities is not in and of itself justification for a project. In other words, being an underserved community isn't the justification but rather the potential impacts to the community and how it can benefit from a measure or alternative is the justification. In studies involving underserved communities, PDTs should ensure that potential benefits to underserved communities are well developed and explained through a comprehensive benefits analysis. Below are examples of questions that a

PDT could ask when conducting a study to develop a more thorough comprehensive benefits analysis:

- How are the water resources problems that we are trying to solve impacting the underserved communities in the study area?
- Will the project alleviate potential impacts to an underserved community? How is the project reducing flood risk or other water resources problems? Is it reducing life safety risks? Is it making that community more resilient?
- Would ecosystem restoration improve living conditions for underserved communities? Would open space for recreation be increased? Would it create a more sustainable system for fisheries, forestry, agriculture, etc.?
- Would a project produce Regional Economic Development benefits in the area? How might these benefits provide for improved conditions for underserved communities?
- Will a project allow an underserved community to commute to work unimpeded or allow quicker recovery from floods?

Sensitivity analyses may point out disparities in the region that could provide an impetus for the project. For example, if the structure values in the underserved community were comparable to other areas that are justified, then would a project in the community be justified? If there are no direct benefits linked to an underserved community in the study area, linkages to indirect benefits from second or third order effects as well as substitutions and transfers or incidental benefits could be considered but be careful to provide how these effects can be linked to the community and the project.

At this time, there is no standard matrix or set of approved metrics to evaluate whether a measure or alternative would benefit an underserved community. The Institute for Water Resources is working to develop metrics that could potentially be used to support justification of a project via comprehensive benefits and there are numerous resources that can be used to assist in study development. These reports are listed below and are available on the Social Science portal in the Planning Community Toolbox. Additionally, it is recommended that, if a project may need to be justified via comprehensive benefits, then a PDT should schedule an In Progress Review with the vertical team and establish a coordinated approach.

- Applying Other Social Effects in Alternatives Analysis (IWR Report 2013-R-03)
<https://www.iwr.usace.army.mil/Portals/70/docs/iwrreports/2013-R-03.pdf>
- Handbook on Applying Other Social Effects Factors in Corps of Engineers Water Resources Planning (IWR Report 09-R-4)
<https://www.iwr.usace.army.mil/Portals/70/docs/iwrreports/09-R-4.pdf>
- Other Social Effects: A Primer (IWR Report 2013-R-02)
<https://www.iwr.usace.army.mil/Portals/70/docs/iwrreports/2013-R-02.pdf>

8. Indirect Effects.

Q: How does a PDT ensure that it is identifying all potential effects on an underserved community, even indirect effects that might not be within the project footprint?

A: Indirect effects to underserved communities may not be apparent in the analyses that are being used to evaluate alternatives. For example, construction of a project may require the closure of a corridor that is the only source of transportation for an underserved community to a major employment area or critical infrastructure. It is possible that effects could occur outside of the project area as well as the study area that was initially identified. Engagement with communities may help in identifying additional effects.

The characteristics of the underserved community, such as internet access, public and private transportation, age, language, and other factors must be considered. Most importantly, ask the community and its representatives directly. Community members and representatives, just as other entities, may have competing/conflicting interests, it is important to be situationally aware and to avoid potential conflicts where applicable. Focus on maximizing existing internal/external data and feedback from communities that will generate solutions based on the problems being addressed in the study. Partner with other agencies to address problems that exist beyond the study authority or identify other programs internally that may be more suited to addressing other problems. Do not solely rely on internal analysis or public notice responses to inform your analysis. They can sometimes provide invaluable information that may not be apparent to planners, city officials, or other interest groups.

9. Impacts to an underserved community.

Q: Is there a requirement for compensatory mitigation for Environmental Justice impacts?

A: It should be a very rare case where compensatory mitigation is required as the priority should be first avoiding and then minimizing or reducing any disproportionate impacts to underserved communities; however, there could be instances of unavoidable impacts where compensatory mitigation is required. Any proposal for compensatory mitigation for impacts to an underserved community should be raised as soon as possible to the vertical team for further coordination. The proposal must clearly describe the unavoidable impact, what potential mitigation measures could be implemented to directly compensate for the impact, and the cost effectiveness of those options. If the most cost-effective option for mitigation is not being recommended, then the reason why must be fully explained. Most importantly, the potentially affected underserved community should be included in the decision-making process for compensatory mitigation.