

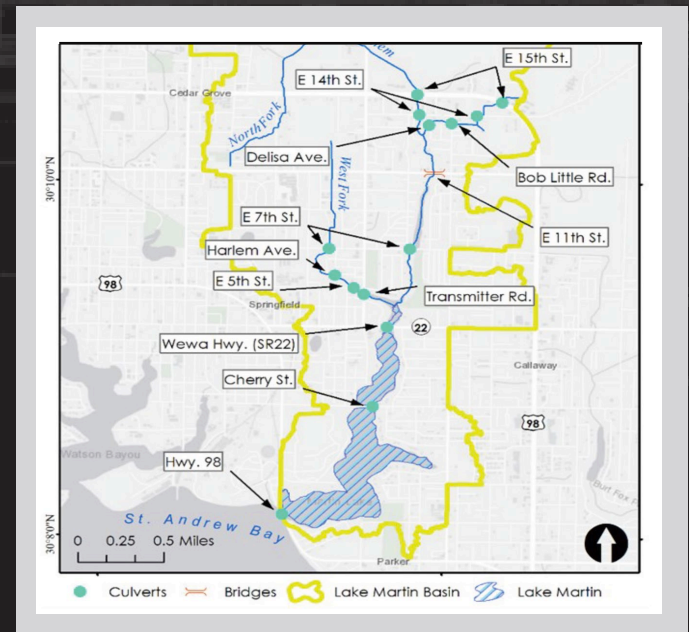
# CREATING OPPORTUNITIES THROUGH ENGAGEMENT

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Stephanie Bray, NFRMP & FPMS PM

JULY 12, 2023

1:00 – 2:00 PM EDT



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# WRDA 2020 SEC 160 DEFINITION OF ECONOMICALLY DISADVANTAGED COMMUNITIES IMPLEMENTATION GUIDANCE OVERVIEW



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# WRDA 2020 SECTION 160



## **Section 160 Definition of Economically Disadvantaged Community**

**(a) IN GENERAL.** Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidance defining the term “economically disadvantaged community” for the purposes of this Act and the amendments made by this Act.

**(b) CONSIDERATIONS.** In defining the term “economically disadvantaged community” under subsection (a), the Secretary shall, to the maximum extent practicable, utilize the criteria under paragraph (1) or (2) of section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161), to the extent that such criteria are applicable in relation to the development of water resources development projects.

**(c) PUBLIC COMMENT.** In developing the guidance under subsection (a), the Secretary shall provide notice and an opportunity for public comment.



# WRDA 2020 LANGUAGE/IMPLEMENTATION GUIDANCE



**An economically disadvantaged community is defined as meeting one or more of the following:**

- a. Low per capita income - The area has a per capita income of 80 percent or less of the national average;**
- b. Unemployment rate above national average - The area has an unemployment rate that is, for the most recent 24-month period for which data are available, at least 1 percent greater than the national average unemployment rate;**
- c. Indian country as defined in 18 U.S.C. 1151 or in the proximity of an Alaska Native Village;**
- d. U.S. Territories; or**
- e. Communities identified as disadvantaged by the Council on Environmental Quality's Climate and Economic Justice Screening Tool (<https://screeningtool.geoplatform.gov>).**



# SEC 160 EDC – PROGRAM ELIGIBILITY MATRIX



Criteria	Section 160 Definition	Section 117	SEC 118(b) Pilot Program	SEC 118(c) Pilot Program	CAP 165a
					see IG for more details
Low Income - per capita income of 80% or less of National Average	must meet one of these requirements	must meet one of these requirements	must meet one of these requirements	must meet one of these requirements	must meet one of these requirements
Unemployment rate above national average - The area has an unemployment rate that is, for the most recent 24-month period for which data are available, at least 1 percent greater than the national average unemployment rate					
Indian country as defined in 18 U.S.C. 1151 or in the proximity of an Alaska Native Village					
U.S. Territories					
Communities identified as disadvantaged by the Council on Environmental Quality's Climate and Economic Justice Screening Tool (any category)					



# SEC 160 VS JUSTICE40 INITIATIVE



- Federal Government goal of 40% of overall benefits of certain Federal investments flow to disadvantaged communities that are marginalized, underserved, and overburdened by pollution.
- Categories of investment are:
  - climate change,
  - clean energy and energy efficiency,
  - clean transit, affordable and sustainable housing,
  - training and workforce development,
  - remediation and reduction of legacy pollution, and
  - the development of critical clean water and wastewater infrastructure.



# JUSTICE 40 INITIATIVE



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  - the development of critical clean water and wastewater infrastructure.



# EJ 40 COVERED PROGRAMS LIST FOR THE USACE



1. Aquatic Ecosystem Restoration – Construction\*
2. Aquatic Ecosystem Restoration – Investigations\*
3. Flood and Storm Damage Reduction Program – Construction\*
4. Flood and Storm Damage Reduction Program – Investigations\*
5. Continuing Authorities Program\*
6. Floodplain Management Services\*
7. Planning Assistance to States\*
8. Tribal Partnership Program (Section 203 of WRDA 2000, as amended)‡
9. Pilot Programs on the Formulation of Corps of Engineers Projects in Rural Communities and Economically Disadvantaged Communities\* (Section 118 of WRDA 2020) §
10. Pilot Program for Continuing Authority Projects in Small or Disadvantaged Communities (Section 165 of WRDA 2020) §
11. Formerly Utilized Sites Remedial Action Program (FUSRAP)\*\*

\*Denotes programs that received funding from the Bipartisan Infrastructure Law, P.L. 117-58

‡ Water Resources Development Act of 2000, P.L. 106-541

§ Water Resources Development Act of 2020, P.L. 116-260

\*\* The Army Corps administers FUSRAP in consultation with the Department of Energy Office of Legacy Management.





# WRDA 2022 PROJECTS/PROGRAMS



- **Section 8103 Shoreline and riverbank protection and restoration mission**
- **Section 8115 Tribal and Economically Disadvantaged Communities Advisory Committee**
- **Section 8116 Workforce Planning**
- **Section 8117 Pilot programs on the formulation of Corps of Engineers projects in rural communities and economically disadvantaged communities.**
- **Section 8118 Pilot Programs for certain communities**
- **Section 8119 Technical assistance**
- **Section 8152 Rehabilitation of pump stations**
- **Section 8102 (82) and (86) projects**
- **Section 8311 Acequias irrigation systems**
- **Section 8115 Storm Damage prevention and reduction, coastal erosion and ice and glacial damage, Alaska**
- **Section 8387 National levee safety program**



# Questions?

# FPMS & PAS OUTREACH PLAN: PROVIDING TECHNICAL ASSISTANCE TO UNDERSERVED COMMUNITIES

Technical Assistance Workshop

Sharon Sartor  
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Stephanie Bray  
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Date: 12 July 2023



A screenshot of the Climate and Economic Justice Screening Tool website. The page features a navigation bar with links for 'Explore the map', 'Methodology &amp; data', 'About', and 'Contact'. The main heading is 'Explore the map', with a 'Public engagement' button. Below this, there is a brief description of the tool's purpose: 'Census tracts that are overburdened and underserved are highlighted as being disadvantaged on the map. Federally Recognized Tribes, including Alaska Native Villages, are also considered disadvantaged communities.' A 'Get the data' button is present, with a note to 'Download the data with documentation and shapefile from the downloads page.' A map of the United States is displayed, showing various census tracts highlighted in shades of green and blue. To the right of the map, there is a 'How to use the map:' section with instructions on zooming and searching, and a 'Things to know:' section explaining that the tool uses census tracts as a unit of geography and that communities that are disadvantaged live in tracts that experience burdens. A 'Thresholds' section is partially visible at the bottom.



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# ENVIRONMENTAL JUSTICE & JUSTICE40 INITIATIVE



- **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.
- **Justice40 Initiative** includes a target to deliver at least 40% of the overall benefits from Federal investments in climate and critical clean water and waste infrastructure to underserved communities. PAS is a covered program under Justice40.
- Improving access to USACE Civil Works technical service programs (e.g., Planning Assistance to States and Floodplain Management Services programs) and maximizing the reach of Civil Works projects to benefit disadvantaged communities, in particular as it relates to climate resiliency.



## SECTION 160 WRDA 2020



An economically disadvantaged community is defined as meeting one or more of the following:

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(<https://screeningtool.geoplatform.gov>).



Climate and Economic Justice  
Screening Tool



# USACE INTERIM ENVIRONMENTAL JUSTICE STRATEGIC PLAN: COMMUNITY OUTREACH & ENGAGEMENT



Objective 5: Improving awareness, access, and participation for USACE Civil Works technical assistance programs while maximizing assistance that benefits underserved and disadvantaged communities.

## USACE Partners to Support Outreach Efforts

- State government officials
- Local government officials
- Regional government officials
- Tribal government officials
- Territorial government officials
- Federal agencies (e.g., FEMA, EPA, National Oceanic and Atmospheric Association, Council on Environmental Quality)
- Nongovernmental organizations (e.g., Association of State Floodplain Managers, National Association of Flood and Stormwater Managers, American Rivers, The Nature Conservancy, American Flood Coalition)



# FPMS & PAS OUTREACH PLAN

- Tiers from and complements the USACE Interim EJ Strategic Plan.
- Includes four TA-Objectives specific to FPMS & PAS with associated metrics.
- The TA-Objectives and metrics were developed to complement the USACE Interim EJ Strategic Plan as well as the Environmental Justice Scorecard.
- Metrics are to be tracked locally at each district to support future data calls and input to the annual EJ Scorecard.
- FPMS Unit Funding and PAS Negotiation Funding is available for the implementation of the FPMS and PAS specific portions of District Strategic Outreach Plans.

**U.S. Army Corps of Engineers  
Floodplain Management Services and  
Planning Assistance to States Outreach  
Plan: Providing Technical Assistance to  
Underserved Communities**

3 March 2023



# TECHNICAL ASSISTANCE OUTREACH PLAN

## OBJECTIVE 1



**TA-Objective 1: Build internal capacity within Districts for effectively communicating with underserved communities.**

Metric 1: Technical Assistance Program staff for FPMS and PAS at Districts have the opportunity for at least one training per year on conducting outreach in support of underserved communities. Districts will report the number of people within the Technical Assistance Program staff and if they have received one or more trainings on conducting outreach each year.

Metric 2: District outreach and communication team members are trained to accurately communicate about FPMS and PAS. Districts will report the number of internal trainings held for outreach staff and the number of outreach and communication team members trained to communicate about FPMS and PAS each year.

Metric 3: Technical Assistance outreach materials and tools are developed by the FPMS and PAS district teams for outreach and communication team members to use collectively. Districts will report a list of outreach materials and tools developed or updated specifically for their FPMS and PAS programs each year.





# TECHNICAL ASSISTANCE OUTREACH PLAN

## OBJECTIVE 2



**TA-Objective 2: Coordinate with external partners to develop coordinated outreach efforts and identify underserved communities.**

Metric 1: FPMS and PAS PgMs participate in at least 50% of the annual Silver Jackets state team meetings to provide information on technical assistance opportunities. Districts will report the percentage and number of Silver Jackets meetings the FPMS and PAS PgMs participated in each year.

Metric 2: District FPMS and PAS PgMs conduct a minimum of three outreach efforts at various events (reoccurring agency meetings, workshops, site visits, conference, etc.) to engage external partners about technical assistance available to underserved communities. Districts will report the number and type of outreach efforts conducted each year.



# TECHNICAL ASSISTANCE OUTREACH PLAN

## OBJECTIVE 3



**TA-Objective 3: Gain a better understanding of the specific needs of underserved communities.**

Metric 1: District FPMS and PAS staff will work with their District EJ Coordinator and Tribal Liaisons to identify appropriate means to engage with underserved communities in their region. Prior to engagements, coordinate with partners and community points of contact to ensure meetings and discussions are organized effectively for community participation and transfer of knowledge. Communication Plans are developed or updated for each engagement, as appropriate for effective outreach. Districts will report number of internal EJ coordination meetings and communication plans developed/updated for each engagement with an underserved community, with a goal of at least five per year.

Metric 2: District FPMS and PAS PgMs, or appropriate staff as identified in the District Strategic Plans, meet with underserved communities to understand their technical assistance needs and share opportunities for USACE to provide assistance. Districts will report on number of meetings with underserved communities to discuss technical assistance, with a goal of five meetings per year.



# TECHNICAL ASSISTANCE OUTREACH PLAN

## OBJECTIVE 4



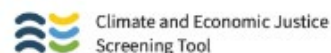
**TA-Objective 4: Evaluate lessons learned from ongoing outreach and engagement opportunities and adapt outreach strategy and approach(es) appropriately.**

Metric 1: The Technical Assistance (FPMS and PAS) portions of the District EJ Strategic Plans will be reviewed annually and updated appropriately as new information becomes available and as new regulations, policy, and guidance are released. Districts will report that they have conducted their annual review and updates, as needed, of the Technical Assistance portions their District EJ Strategic Plan each year.



# JUSTICE40

## A WHOLE-OF-GOVERNMENT INITIATIVE



Explore the map Methodology & data About Contact

### Explore the map

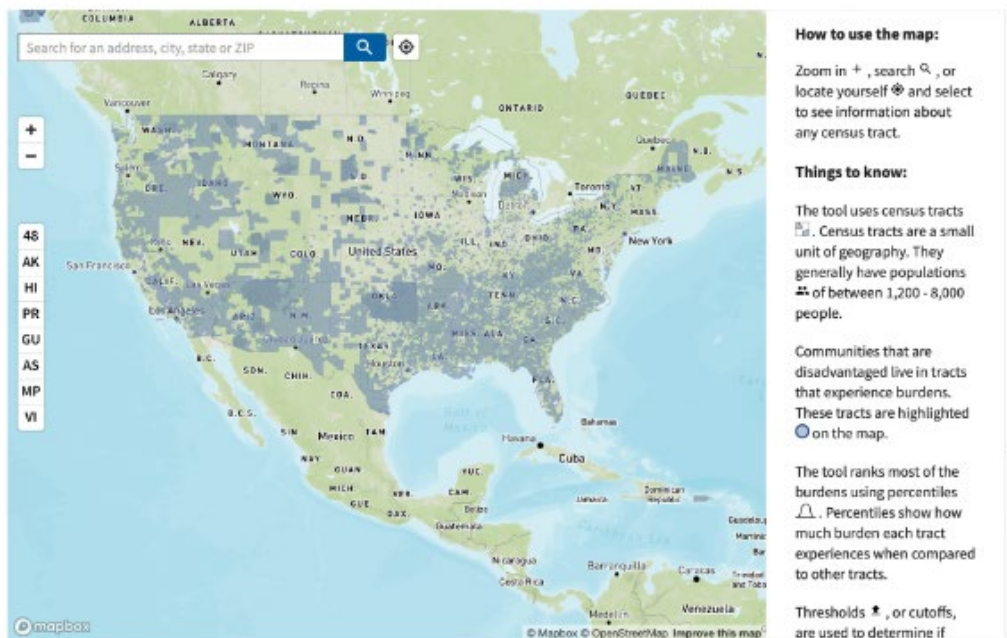
Public engagement

Census tracts that are overburdened and underserved are highlighted as being disadvantaged on the map. Federally Recognized Tribes, including Alaska Native Villages, are also considered disadvantaged communities.

Zooming-in and selecting shows information about each census tract.

#### Get the data

Download the data with documentation and shapefile from the [downloads](#) page.



As covered programs under Justice40, USACE will use investments as the metric to measure benefits to underserved communities:

*“...essentially providing that 40% of USACE investments in climate and critical clean water and waste infrastructure must benefit disadvantaged communities. USACE will strive to achieve the 40% goal under Justice40 Initiative for specific programs, such as Planning Assistance to States, Floodplain Management Services and the Tribal Partnership Program...”*

These investments include both project and outreach funding.

The investments will be determined by project using the **latitude and longitude** provided by the district in FPMS proposals and the PAS Database. The HQ team will conduct the analysis to calculate percentage of investments that benefit underserved communities in support of Justice40.



# QUESTIONS AND DISCUSSION

