Equity Strategies for the EPA National Estuary Programs and Geographic Programs

The purpose of the equity strategy is to ensure that each NEP/GEO program is reviewing RFAs, and potential projects that use BIL funds[1] through the lens of equitable and fair access to the benefits from environmental programs for all communities. The equity strategy should outline how BIL funds will be used to sustain and increase investments in disadvantaged communities (including tribes), and the benefits that flow to them. These strategies are intended to meet the goals of Executive Orders 14008 and 13985 – Justice40 and EPA's Equity Action Plan respectively.

1. Governance Overview

Explain how this NEP/GEO program operates, its authorities, its core goals, and how environmental justice (EJ) and equity may already be integrated into the program's work.

2. Definition of Disadvantaged Communities[2] or Alternative Term(s).

Definition

NEP/GEOs are encouraged to use a combination of the demographic indicators below to determine where disadvantaged communities that benefit from their programs may be located. Below are examples from the ***Interim Implementation Guidance (M-21-28)*** *and EPA's EJScreen tool.*

EPA has created agency-specific Supplemental Indices Threshold Maps for use when implementing Justice40 related efforts in cases where program-specific definitions do not exist. The updated EPA EJScreen tool includes a new five-factor Supplemental Demographic Index which offers a different perspective on community-level vulnerability. The supplemental demographic index averages:

- *Percent low-income;*
- *Percent limited English speaking;*
- *Percent less than high school education;*
- *Percent unemployed; and*
- *Low life expectancy.*

Because of the nature of many watershed-based investments made by NEPs and GEOs, meaning many investments and projects may fall nearby but not within populated areas, programs may

[1] Programs are encouraged to include both BIL and non-BIL efforts under their equity strategies, but only BIL is required in this strategy document for setting targets.

[2] There are several related terms used to describe communities facing hardship or who have historically benefitted unevenly from federal funds, including disadvantaged, overburdened, underserved. Under Justice40 EPA is using the term "disadvantaged" for consistency with E.O. 14008 and other programmatic terminologies. EPA notes that this terminology is distinct from "environmental justice" community, which is defined as a community facing disproportionate environmental, public health, and other burdens that reduce quality of life. These terms should not be used interchangeably. Most environmental justice communities are also likely disadvantaged (depending on the criteria set for the latter's definition), but not all disadvantaged communities are environmental justice communities.

establish appropriate radiuses (e.g., 3-miles) around those projects and overlay them with communities in and surrounding their areas of focus.

For more information and support in using the indices to map potentially disadvantaged communities in the program's study area or region, please contact Matt Lee (lee.matthew@epa.gov) at EPA's Office of Environmental Justice and External Civil Rights (OEJECR).

Alternative Definition
If an NEP/GEO already has, or needs to use, a different definition of disadvantaged communities, (e.g., a partner/host state agency already has an established definition, or the screening tools available do not reflect any disadvantaged communities in the study area) NEPs/GEOs should describe their alternative definition within their equity strategy and explain why they are using this approach.

Note: Title VI of the Civil Rights Act and EPA's nondiscrimination regulations prohibit recipients of EPA financial assistance from taking actions in their programs or activities that are intentionally discriminatory and/or have a discriminatory effect based on race, color, national origin (including limited English proficiency), age, disability, or sex. All funding under the BIL should ensure compliance with civil rights laws.

Criteria
Briefly describe the criteria this program used to develop its alternative definition of disadvantaged communities (e.g., is the program building off of the OEJECR EJScreen Supplemental Indices definition above? Did this program already have a working definition for this program? Did this program develop a new definition? Does the state have its own definition?).

Tools
EJScreen, CEJST, other mapper, EJ assessments, other. Briefly describe the tool(s) used to identify disadvantaged communities.

3. Baseline Analysis of Disadvantaged Communities
The baseline is a number that reflects the recent pre-BIL percentage of NEP/GEO funds flowing to projects that benefit disadvantaged communities. In general, programs should target a 3-year lookback of pre-BIL funds but may look further back as useful and desired. Shorter lookbacks to establish baselines may also be acceptable on a case-by-case basis where there is insufficient data to conduct a 3-year analysis; programs should consult with OW headquarters staff when considering using a shorter lookback.

One way to determine baseline is to use the definition and tools above to analyze investments and benefits in EJ communities. This will require the use of GIS tools and/or the review of funding documents to assign dollar amounts and benefits invested in and benefiting disadvantaged communities. This baseline is important because it lays the foundation for how

disadvantaged communities are identified and how benefits are tracked and measured in future years.

Table 1. Hypothetical breakdown of GEO, non-BIL funding by function/ funding instrument/ program for [2016-2021]. Matching or leveraged funds not accounted for. DAC = disadvantaged community as defined above. Example depicts scenarios where funding DAC and benefits flowing to DAC can be similar, but also different. Calculations are in italics.

	Function / funding instrument / program	A $ Total [2016-2021]	B $ to DACs	C $ Other Benefits to DACs	D % to DACs	E % Benefits DACs
1	Habitat Strategic Implementation Cooperative Agreement	5,000,000	200,000	750,000	4% *B1/A1*	15%*C1/A1*
2	Tribal Capacity Cooperative Agreement	4,000,000	4,000,000	4,000,000	100% *B2/A2*	100% *C2/A2*
3	Federal Interagency Agreements	1,500,000	0	600,000	0% *B3/A3*	40% *C3/A3*
4	TOTAL	10,500,000*A* *A1+A2+A3*	4,200,000 *B1+B2+B3*	5,350,000 *C1+C2+C3*	40% *B4/A4*	51% *C4/A4*

In the hypothetical scenario in Table 1, a state agency was awarded $5 million of GEO funds to implement habitat restoration across the state. $150K and $50K were subawarded to a tribe and a DAC community group respectively for habitat restoration ($200K in B1). In addition to the $200K, the state spent $550K on projects that occurred in or benefited DAC. The state spent $200K on river restoration projects in DAC (occurred in DAC), $100K on translating river recreation best management practices into languages used in DAC (occurred outside DAC, but benefited DAC), and $250K on setting up a citizen science invasive species monitoring network on tribal lands ($750K in C1). This scenario assumes that every dollar spent on projects results in a dollar of benefits

***For NEPs only:** EPA HQ will be calculating baselines for all NEPs using a consistent methodology across the national program. For more information on how NEP baselines will be calculated, see the attached appendix. Should NEPs decide to calculate an additional baseline using the methodology above or a different methodology of their choice, or should an NEP wish to provide additional reporting to supplement the baseline calculated for them, please use this space to do so.*

4. Numeric Targets (Justice 40)

*Numeric target for activities supporting disadvantaged communities that contribute to achieving a target at or above 40% of benefits and investments to such communities for the national program over the lifespan of total NEP/GEO BIL funds (**BIL Implementation Memo**).*

Although the national target is 40%, NEPs/GEOs are encouraged to exceed the 40% target, if/when possible. We acknowledge that this may be difficult for some programs and choosing targets below 40% is acceptable where unique program constraints, such as geography and population factors, make this an unrealistic target. NEP/GEOs are encouraged to be ambitious and realistic. Below, please describe this program's numeric target and what the program will be doing differently to meet this target.

- ***Numeric Target -*** *What is this program's anticipated numeric target? Why is this an ambitious and realistic target for this program?*
- ***Strengths –*** *What program strengths will help in the success of meeting this program's numeric target?*
- ***Challenges –*** *What challenges does the program foresee when trying to meet its numeric target?*

5. Key Activities

An outline of the path to achieve the new goal/numeric target may include projects, locations of activity, milestones, training and outreach/engagement needs, capacity building, and interim goals.

An outline of the overarching CCMP goals (for those programs that have CCMPs), or other programmatically guidance/governance documents, and strategies/objectives for reaching the established numeric target above.

Name of Goal

- *Brief description of goal (1-2 sentences)*
- *Explanation of how this goal relates to J40 targets*
- *Actions that might support this goal (examples below)*
    - *Prioritize and target disadvantaged communities identified in baseline analysis*
    - *Prioritize projects with multiple or far-reaching benefits*
    - *Prioritize the adoption of green and nature-based infrastructure approaches*

6. Tracking Benefits

The determination of what constitutes a "benefit" will vary by covered program. Accordingly, each NEP/GEO program is directed to describe the types of benefits that result from NEP/GEO funded work and a methodology for calculating the covered program benefits accruing to disadvantaged communities. This methodology should also include a description of the metrics that the program is developing to measure covered benefits. Some potential examples include:

- *Expanded adaptive capacity of disadvantaged communities to be resilient to climate change;*
- *Improved wildlife habitat;*
- *Addressed water quality challenges or prevented or reduced nonpoint source pollution affecting disadvantaged communities;*
- *Increased disadvantaged communities' access to recreation; and*

- *Expanded education and/or deepened engagement or representation of disadvantaged communities (for example expanding management or other committees to include greater representation from disadvantaged communities).*

For NEPs Only: *EPA expects to develop nationally consistent reporting and metrics to track benefits for the NEP. No additional description of benefits tracking is necessary in the equity strategy unless an NEP wants to describe additional known metrics they will track. Further guidance will be provided for NEPs in consultation with EPA's OEJECR for tracking benefits to disadvantaged communities.*

For GEOs Only: *Template Justice40 Benefits Methodology – modified OPAA example*
For each program benefit (cannot be funding alone)

- *What is the program benefit going to disadvantaged communities? (examples)*
  - *Financial – dollars invested*
  - *Social – (capacity building, technical assistance, education/ community engagement programs, workforce development, accessibility to program services, green spaces)*
  - *Environmental – (ecosystem restoration, clean water, ESA listed species recovery, harvestable seafood)*
- *What measure(s) will this program use for this program benefit going to disadvantaged communities? (examples)*
  - *Financial – dollars invested*
  - *Social – (hours spent supporting EJ communities, number of technical documents completed, QAPP, data management plans, needs assessments, applications for funding, number of workshops/training conducted in EJ communities, number of workshop participants, number of individuals participating in CCMP restoration process, number and acreage of green spaces installed, number of and ways documents/information made accessible through translation or other means)*
  - *Environmental – (acres/miles ecosystem restored, concentrations of water quality, increase in ESA listed species population, days shellfish beds are open to harvest)*
- *Can this program benefit be mapped (y/n)? If yes, what is the geographic unit?*
- *Can the program benefit be mapped to disadvantaged communities (y/n)? If yes, which tool (e.g., EJSCREEN)?*
- *What are the data sources and methodology for this benefit being measured?*
- *What (if any) are the risks to accurately calculating this program benefit accruing to disadvantaged communities? For instance, are benefits accruing to different communities than the ones where resources are spent?*

7. Stakeholder Engagement Plan

When determining the benefits of a covered program, as specified in section 4, programs should consult with stakeholders, including state, local, and Tribal governments, as well as Native communities, to ensure public participation and that community stakeholders are meaningfully

*involved in what constitutes the "benefits" of a program. In addition, if the calculation of a benefit to a disadvantaged community includes investments outside of that community, the disadvantaged community should be consulted (**M-21-28**).*

Meaningful engagement includes a wide variety of techniques that inform, consult, involve, collaborate, and empower stakeholders. Such efforts include outreach, information dissemination, meetings, capacity building, etc. OEJECR created a national level engagement plan that covers broad opportunities for the agency to engage with partners, stakeholders, and communities.

***Template Stakeholder Engagement Plan for Covered J40 Programs:** The Template Stakeholder Engagement Plan for covered J40 programs outlines what NEP/GEOs should include in their stakeholder engagement plan, which is a deliverable/requirement of EO 14008's Justice40 Initiative. It should include:*

- ***Program/Program Office/Point(s) of Contact***
- ***Background** - Summarize any program-specific legal, regulatory, or other requirements relevant to stakeholder and partner engagement.*
- ***Key Issues** - Describe program-specific issues related to J40 implementation with respect to partner/stakeholder input on this covered program.*
- ***Unique Partners/Stakeholders and Timing** (Table 2) - List the program-specific stakeholder groups and partners targeted for engagement. Include if there are specific impacted communities who will benefit directly and/or indirectly, as well as grantees/recipients. Also include any expectation regarding timing/regularity of engagements.*

Table 2. Table displaying unique partners/stakeholders/ and timing information.

Group / Partner / Community Name	**Geographic Locale** *[Local, State, Tribal, National]*	**Type of Engagement Anticipated** [Info distribution, public meetings, consultations, project design or implementation, etc.]	**Rationale for Engagement** *[key issue(s) addressed, etc.]*	**Timing/ Regularity of engagement**

8. Other (additional narrative as needed to explain the program's equity strategy, any specific defining features or challenges, and/or its nexus with the program's CCMP)

Appendix

Baseline Analysis of Disadvantaged Communities

NEPs ONLY: EPA HQ will be using a consistent methodology to calculate a baseline of investments in disadvantaged communities for all NEPs using existing NEPORT data. This calculation will look at habitat projects recorded in NEPORT over the last five years (2017-2021). NEPORT habitat projects are displayed through NEPmap which, for the purposes of this baseline calculation, will be overlayed with the EJScreen Supplemental Demographic Index layer. The EJScreen Supplemental Demographic Index layer is consistent with EPA's definition of disadvantaged communities as it is written in the NEP BIL Implementation Memo. Combining NEPmap with the EJScreen Supplemental Demographic Index layer will result in a visualization of the habitat projects located in disadvantaged communities. EPA will analyze reported information on these selected projects to calculate the number of NEP habitat projects located in disadvantaged communities, Section 320 funds from habitat projects that were invested in disadvantaged communities, and total habitat project costs invested in disadvantaged communities.

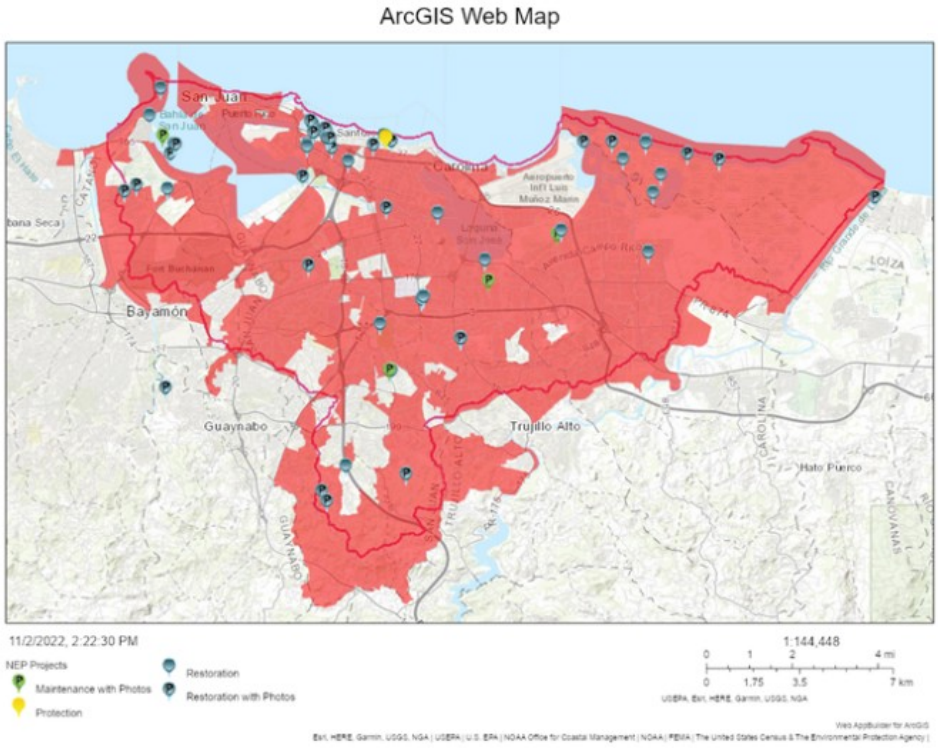


Figure A1: A map that depicts NEPmap combined with the EJScreen Supplemental Demographic Index overlay in San Juan Bay Estuary Program. The red highlighted areas represent census block groups at the 80th percentile and above for the EJScreen Supplemental Demographic Index. The pins represent the locations of habitat projects reported in NEPORT. Thus, this map depicts where there is overlap between habitat projects and disadvantaged communities, as well as 320 investments and total habitat project costs in disadvantaged communities.

Although EPA HQ will be using this consistent methodology to calculate baselines for all NEPs, programs may calculate an additional baseline or provide any additional information to supplement this analysis. If an NEP location has additional metrics from 2017-2021 that they wish to report for the purpose of establishing a baseline of investments in disadvantaged communities, they may do so in the baseline section of their equity strategy.