

HIDALGO COUNTY, TEXAS
ADMINISTRATIVE POLICY MANUAL

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Supersedes: 01/29/2019

ENVIRONMENTAL JUSTICE PLAN

Purpose:

The purpose of this plan is to outline the County of Hidalgo’s plan for addressing Federal and state non-discrimination requirements, as they relate to Environmental Justice, outlined under Title VI, Federal Executive Order 12898 and other related regulations and statutes.

To be effective, an environmental justice plan must incorporate comprehensive measures for including the public in legal and policy decisions related to environmental issues.

Environmental Justice Plan Summary:

Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations, signed in February of 1994, requires a Federal agency to achieve Environmental Justice as a part of its mission by identifying disproportionately high and adverse human health or environmental Effects on its program, policies, and activities on minority and low income populations.

FHWA requires TXDOT to carryout Environmental Justice responsibilities as part of its non-discrimination program.

The County utilizes data from the U.S. Census Bureau, public outreach (scoping meetings, public meetings, and public hearings), information on poverty guidelines from the Department of Health and Human Services, and local agency coordination (including, but not limited to MPOs, local elected officials, county government, etc.) to establish demographic characteristics and trends.

The data is used to identify and engage traditionally underserved populations, including those covered under existing Environmental Justice (EJ) policies, as well as populations with Limited English Proficiency (LEP).

County departments/offices, including Hidalgo County Head Start and Community Service Agency, if applicable, will be asked to do the following when considering a project/program:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.

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- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.
- Each department/office will oversee this process and review the final resulting project documents to ensure compliance with federal regulations.

The department/office will take the following steps when engaging in any federally funded program or activity which may have any adverse human health or environmental effect:

STEP ONE: Determine if an underserved population group is present within the project area. If a conclusion is that no underserved population group is present within the project area, document low the conclusion was reached. If the conclusion is that there are underserved population groups present, proceed to Step Two.

STEP TWO: Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts defined in the County's Title VI/Non-Discrimination Plan Glossary, "Adverse Effects." If it is determined that there are disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

STEP THREE: Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project. Include public participation of the affected population per the Public Participation Plan. Consider the following questions:

- Question 1 – Are there alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?
- Question 2 – Considering the overall public interest, is there a substantial need for the project?
- Question 3 – Will the alternatives that would satisfy the need for the project and have less impact on protected populations: (a) have other social economic or environmental impacts that are more severe than those of the proposed action; (b) have increased costs of extraordinary magnitude?

STEP FOUR: Include all findings, determinations, or demonstrations. The County departments/officer will be required to document the following:

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- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment, etc.;
- The project's impact is unavoidable;
- The benefits of the project far out-weigh the overall impacts; or
- Mitigation measures are being taken to reduce the harm to low-income or minority populations.

County department heads and elected officials must maintain a Log (Attachment 11) and should complete and return the Log to the Title VI/Nondiscrimination Coordinator by December 31 of each year.

Record Retention:

County departments/offices must maintain records evidencing its environmental justice compliance, which include, but are not limited to, its findings and determinations.

The records shall be maintained for a period of ten (10) years or pursuant to the requirements of the Texas Library Archives Records Retention Schedules, whichever is longer.