

BURLESON COUNTY, TEXAS
ADMINISTRATIVE POLICY MANUAL

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ENVIRONMENTAL JUSTICE PLAN

Purpose:

The purpose of this plan is to outline the County of Burleson'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 and addressing disproportionately high and adverse human health or environmental effects of its program, policies, and activities on minority and low-income populations.

The Federal Highway Administration Act (FHWA) requires the County of Burleson, as a sub-recipient receiving federal financial assistance through the Texas Department of Transportation (TXDOT), to carry out Environmental Justice responsibilities as part of its nondiscrimination program.

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

All County departments/offices, if applicable, will be asked to do the following when considering a project, policy, activity and/or program:

- Integrate the requirements of Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations*, into programs, policies, and activities.

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- Identify minority and low-income populations affected by a project using the most recent Census data and the definition of low-income as established by the U.S. Department of Health & Human Services.
- If a disproportionate effect is anticipated, following mitigation procedures.
- Develop public participation procedures to ensure the participation of the identified minority and low-income populations located within the limits of a proposed project.
- Notify affected protected group residents of public meetings or hearings regarding a proposed project, and make meetings and hearings accessible.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discuss and, if necessary, implement 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 how 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/Nondiscrimination 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 and document the answers to 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

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environmental impacts that are more severe than those of the proposed action;
(b) have increased costs of extraordinary magnitude?

STEP FOUR: Record and keep all findings, documents, determinations, and/or demonstrations. County departments/offices will be required to document the following:

- 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 outweigh the overall impacts; or
- Mitigation measures are being taken to reduce the harm to low-income or minority populations.

County Department Heads/Elected Officials must maintain an Environmental Justice Log (Attachment 11), reflecting the above-referenced activities/determinations, and should complete and return the Log on an annual basis to the Title VI/Nondiscrimination Coordinator for use in the County's Annual Work Plan and Accomplishments Report.

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 Records Retention Schedules issued by the Texas State Library and Archives Commission, whichever is longer.