



January 5, 2023

Environmental Justice,
U.S. Department of the Interior,
Office of Environmental Policy and Compliance (MS-2629),
1849 C Street NW,
Washington DC 20240

RE: DOI EJ Strategic Plan Listening Sessions Follow-up

Thank you for the opportunity to comment on the Department of Interior's Environmental Justice Strategic Plan.¹ We appreciate the effort of the Department to implement effective environmental justice strategies. For more than 50 years, the Southern Poverty Law Center has been a catalyst for racial justice in the South and beyond, working in partnership with communities to dismantle white supremacy, strengthen intersectional movements, and advance the human rights of all people. We focus on five states: Alabama, Georgia, Mississippi, Louisiana, and Florida. Our core impact issues include eradicating poverty; decriminalizing and decarcerating Black and Brown people; protecting voting rights and civic engagement; and dismantling white nationalism and extremism. We aim to eradicate poverty specifically by expanding access to opportunities and eliminating racial and economic inequality in all facets of life -- including access to food and water, healthy housing, high-quality health care, free education, safe working conditions, fair wages, and government support to meet basic needs.

In our work, we have seen a growing intersection between economic justice issues and environmental justice issues. We have been working with communities in the Deep South to seek federal financial support to fix failing infrastructure, such as leaking water pipes and dilapidated sewer systems.² We have also been working with historic Black communities that are facing existential threats by industrial development that would pollute and degrade their land.³ As part of that work to fight these threats, we have sought out national historic preservation status to protect communities and allow residents to live and prosper in peace in their historic homes.⁴

In reading the Department's goals and objectives, we recommend strengthening and clarifying the accountability and community engagement goals listed in Strategic Goals 1, 2, and 3. We

¹ DOI Environmental Strategic Plan, <https://www.doi.gov/sites/doi.gov/files/ej-strategic-plan-draft-vision-goals-objs.pdf>.

² "Mississippi City's Water Problems Stem from Generation of Neglect," SOUTHERN POVERTY LAW CENTER, Jun. 28, 2024, <https://www.splcenter.org/news/2023/06/28/timeline-jackson-mississippi-water-problems>; Esther Schrader, "Residents in Alabama City Face Water Crisis Like Some Other Black Communities," SOUTHERN POVERTY LAW CENTER, Nov. 3, 2023, <https://www.splcenter.org/news/2023/11/03/residents-alabama-face-water-crisis-black-communities>.

³ Esther Schrader, "Railroaded: Residents of Predominantly Black Georgia Community Fight Back Against Train Proposal," SOUTHERN POVERTY LAW CENTER, Feb. 24, 2023, <https://www.splcenter.org/news/2023/02/24/sparta-georgia-community-fight-against-railroad-line>.

⁴ "SPLC Urges National Recognition of Historic Community of Royal, Florida," SOUTHERN POVERTY LAW CENTER, Sep. 21, 2023, <https://www.splcenter.org/presscenter/splc-urges-national-recognition-historic-community-royal-florida>.



also recommend incorporating transparency into the goals and objectives and expanding the Department's existing preservation work to better address racial and environmental justice concerns.⁵

First, to establish accountability for Department decision-makers, the Department should conduct a racial and environmental justice equity impact study whenever embarking on a new project that could negatively impact underserved communities and publish those results and recommendations before starting the project.⁶ Too often, we see projects or grants intended to address a pressing need, such as improved transportation for rural communities, that nevertheless disproportionately harm communities of color through displacement and pollution. A Department policy shift that requires increased accountability and equity studies to mitigate environmental injustices could prevent generational harms that span lifetimes for Black communities impacted by transportation improvement, military base construction, and airport expansions, for example. SPLC is often called upon to assist communities facing such harms and who have taken it upon themselves to study environmental harms and impacts as a way to stop impending encroachment and construction; however, this only further burdens the impacted communities when the Department itself can proactively take steps to mitigate and prevent those harms.

Second, we encourage the Department to clarify the baseline components of meaningful community engagement. Any community engagement model should include community liaisons to inform the public about the progress of the project, opportunities for community members to participate in decision-making, local prioritization for jobs and economic development related to the project, and accountability and transparency as to the impact of the project. Because historically under-resourced, low-income, rural, Black, and Brown communities may have limited interactions with federal government entities and minimal understanding of compliance, procurement, and other related processes, a community engagement model should also offer guidance to community members who want to be involved but are not well-versed in how to work with government actors. The engagement should continue throughout the project's life, leaving the community in a position for sustained self-determination after the project concludes. These community engagement practices are sorely needed in Jackson, Mississippi, for example, which has received significant environmental justice funding to fix its failing water and sewer

⁵ DOI Environmental Strategic Plan, <https://www.doi.gov/sites/doi.gov/files/ej-strategic-plan-draft-vision-goals-objs.pdf>.

⁶ See e.g. Race Forward, "Racial Equity Impact Assessment," https://www.raceforward.org/sites/default/files/RacialJusticeImpactAssessment_v5.pdf; see also, Advisory Council on Historic Preservation, <https://www.achp.gov/protecting-historic-properties/section-106-process/identifying-historic-properties>, The Department's Section 106 National Historic Preservation Act process may be a good starting point of a proactive review process for agency projects. However, this inquiry is narrowly focused on "historic properties" and perhaps a broader framework around racial equity would be a helpful assessment tool.



infrastructure, but community members were shut out of further decision-making and have received little information about the next steps.⁷

Also, transparency is a critical component of accountability and community engagement that should be explicitly named in the Department's goals and strategy. Project updates, studies, and data should be regularly collected, published, and made publicly available to ensure community members can track progress and decisions.

Finally, we believe the Department's Environmental Justice Strategic Plan should identify historic preservation as a strategy for advancing environmental justice. As noted above, the SPLC has been helping historic Black communities obtain historic preservation status as a means to maintaining their land and history.⁸ We have observed a remarkable lack of historic preservation protections for Black communities across the Deep South, many of which were founded by newly emancipated persons during the 1800s. Oftentimes, development projects in these communities will cause environmental injustice, but the options to redress or prevent these threats are limited and unknown to residents. We believe the Department can do more to affirmatively redress these inequities by reviewing its processes for conferring historic preservation protections, providing resources and opportunities for communities to engage with the Department, and removing barriers that diverse communities unfamiliar with the historic preservation process face such as lack of record-keeping or visibility.

Thank you for considering our views on the Department of Interior's Environmental Justice Strategic Plan. Please feel free to reach out to me at Theresa.Lau@splcenter.org if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Theresa Lau', written in a cursive style.

Theresa Lau

⁷ See, Anthony Warren and Quentin Smith, "Judge denies city's request for more 'transparency' regarding water operations," WLBT3, Jul. 7, 2023, <https://www.wlbt.com/2023/07/08/judge-denies-citys-request-more-transparency-regarding-water/>

⁸ Esther, Schrader, "Preserving Black Heritage: Florida Activist Fight to Save Historic Stite and Their Culture," SOUTHERN POVERTY LAW CENTER, Nov. 18, 2022, <https://www.splcenter.org/news/2022/11/18/historically-black-community-eatonville-florida>; "SPLC Urges National Recognition of Historic Community of Royal, Florida," SOUTHERN POVERTY LAW CENTER, Sep. 21, 2023, <https://www.splcenter.org/presscenter/splc-urges-national-recognition-historic-community-royal-florida>; Esther Schrader, "Residents Fight to Preserve Florida Community Founded by Emancipated Black Citizens," SOUTHERN POVERTY LAW CENTER, Aug. 4, 2023, <https://www.splcenter.org/news/2023/08/04/fight-preserve-florida-community-emancipated-citizens>.