



## Programmatic Finding on Environmental Justice 2021 - 2025

### Background

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”, directs Federal agencies to identify and address disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States and its territories.

The FHWA and ITD undertake Federal-aid transportation projects under the authority of 23 USC, and various highway bills, including the FAST Act (P.L. 114-94). The FHWA/ITD Programmatic Categorical Exclusion (PCE) Agreement establishes ITD approval authority on behalf of FHWA for those CEs specifically listed in 23 CFR 771.117 (c) and (d) that do not exceed the thresholds established in the agreement. As established in the PCE Agreement, these actions do not individually or cumulatively have a significant effect on the human or natural environment, and therefore neither an environmental assessment nor an environmental impact statement is required under the National Environmental Policy Act, as per 40 CFR 1500-1508.

A Programmatic Finding on Environmental Justice was previously issued for calendar years 2019 and 2020. A review of the results of the use of that Programmatic Finding indicated that the Finding was properly utilized and no problems had arisen in relation to it. Therefore, it would be appropriate to continue the use of this approach and issue this Programmatic Finding, which shall run for a period of five years.

### Applicable Projects

Projects can include a variety of relatively simple and non-obtrusive actions such as:

- pavement rehabilitation
- construction of turnbays
- bike paths
- adding or modifying sidewalks, curb ramps, and other pedestrian features
- signalization of intersections
- shoulder widening
- signing, hazard elimination
- minor bridge rehabilitation or replacement
- minor widening

The presence of minority populations and/or low-income populations should be reviewed when a project will have socioeconomic impacts. Projects qualifying as CEs on the (c) or (d) list that do not

exceed the thresholds (Section IV (A)(1)(d)) established in the PCE Agreement also typically have no substantial socioeconomic impacts.

Community Impact Studies including EJ analysis require in-depth studies of communities affected by a transportation project and effective community outreach, in order to correctly identify potential impacts. This analysis requirement is intended to ensure that a project that exceeds the thresholds as indicated above avoids, minimizes, or mitigates disproportionately high and adverse effects on minority populations and low-income populations. The *ITD Environmental Procedures Manual* provide requirements when additional investigation is deemed necessary.

### **Finding**

The FHWA Idaho Division hereby finds that for Federal-aid transportation projects conducted under its oversight within the State of Idaho that meet the conditions stated herein, that no minority or low-income populations would be disproportionately adversely impacted by these projects, in accordance with E.O. 12898 and FHWA Order 6640.23, and no further Environmental Justice analysis is required.

### **Conditions**

This finding may be applied to projects which:

- Are determined to be categorical exclusions under 23 CFR 771.117;
- Do not include any residential or business relocations;
- Do not require permanent changes to roadway access;
- Do not significantly affect traffic patterns (through-traffic dependent business not adversely affected and no substantial controversy associated with closures);
- Do not create any permanent barriers or impediments to any low-income or minority population or their movement; and
- Do not involve any special and unique circumstances, including a high level of public concern or proximity of sensitive sites or facilities. In this case, ITD and/or FHWA may decide to pursue a more comprehensive level of analysis of Environmental Justice issues rather than to rely on this programmatic finding. The scope of such work shall be determined based on the nature of the special circumstances.

### **Utilization**

Projects submitted for environmental approval to ITD HQ Environmental Services may make use of this Programmatic Finding by providing a written statement within the Categorical Exclusion document and/or on the ITD 0654 Form Summary Sheet: *"The project does not disproportionately adversely affect minority or low-income populations. The project meets the conditions set forth in the 2021/2025 FHWA/ITD Programmatic Finding on Environmental Justice."*

Projects relying on this Programmatic Finding may be reviewed at any time by FHWA or ITD HQ Environmental Services for quality control or program evaluation purposes.

### **Term, Renewal, and Termination**

This Programmatic Finding shall be in effect for five years: calendar years 2021 thru 2025. The outcomes arising from the use of this programmatic agreement will be reviewed at the end of 2025. This Programmatic Finding shall be evaluated at that time to determine if it should be modified, renewed, or other action taken.

Either party may terminate this agreement at any time by giving at least 30 days written notice to the other party.

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