

IDAHO

How Does Idaho Define Environmental Justice and Environmental Justice Communities?

Environmental Justice Definitions:

N/A.

Environmental Justice Mapping Tools:

N/A.

How Does Idaho Consider Environmental Justice in its Substantive Actions¹?

Environmental Justice as a Policy of the Environmental Agency or Across All Agencies:

N/A.

Consideration of Environmental Justice in Permitting:

Ada County, Idaho commits to considering "whether any County decision, service, program or benefit results in a potential disproportionate adverse human health and environmental impact, including social and economic effects on minority and low-income communities." The county has an Environmental Justice Plan Strategy.²

The Idaho Transportation Department (IDT) has an environmental justice plan in line with Federal policy.³

Consideration of Environmental Justice in Enforcement:

N/A.

Consideration of Environmental Justice in Land Use:

N/A.

State Environmental Policy Act "Mini-NEPA":

N/A.

¹ Substantive is defined as governing the original rights and obligations of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, https://www.law.cornell.edu/wex/substantive_law (last visited June 29, 2022).

² Ada County Env't Justice Plan Strategy (July 25, 2017), https://adacounty.id.gov/humanresources/wp-content/uploads/sites/41/AC-EJP-Strategy_072517.pdf (last visited June 29, 2022).

³ IDT, *Environmental Justice Plan* (2019), <https://apps.itd.idaho.gov/apps/ocr/documents/EJPlan.pdf> (last visited June 29, 2022).

Dedicated Funding to Environmental Justice Communities:

N/A.

Consideration of Cumulative Impacts:

N/A.

Prohibitions on Disparate Impact Discrimination:

N/A.

Established Environmental Rights:

N/A.

How Does Idaho Address Environmental Justice in its Procedures⁴?

Environmental Justice as Part of Environmental Agency's Mission:

N/A.

Environmental Justice as Part of Other Agency's Mission:

The Idaho Environmental Protection and Health Act recognizes “that the protection of the environment and the promotion of personal health are vital concerns and are therefore of great importance to the future welfare of this state.”⁵ The act also declares as state policy the need to “provide for the protection of the environment and the promotion of personal health and to thereby protect and promote the health, safety and general welfare of the people of this state.”⁶ Idaho achieves these goals through a series of general environmental regulations administered by the Idaho Department of Environmental Quality and the Department of Health and Welfare.⁷

Processes and Procedures (including Title VI):

- Non-Discrimination Policy:

ITD's Office of Civil Rights Title VI non-discrimination policy is as follows,

The Idaho Transportation Department (ITD) does not and will not exclude from participation in or deny the benefits of its programs or activities; or subject anyone to discrimination or treat persons unfavorably based on race, color, religion, national origin, sex (pregnancy, sexual orientation, and gender identity), age, genetic information, disability, veteran status,

⁴ Procedural is defined as rules and the methods used to ensure the rights of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, https://www.law.cornell.edu/wex/procedural_law (last visited June 29, 2022).

⁵ IDAHO CODE § 39-102, available at <https://legislature.idaho.gov/statutesrules/idstat/title39/t39ch1/sect39-102/>.

⁶ *Id.*

⁷ (Chapter 1, Idaho Code §§ 39-101 *et seq.*)

limited English proficiency or economic status. In addition, ITD will not retaliate against any person who complains of discrimination or who participates in an investigation of discrimination.⁸

- Grievance Procedures:

Information on how to file a complaint and forms needed to apply can be found on ITD's website.⁹

- Enhanced Public Participation and Information Access:

Idaho open meetings law: any person can obtain any record obtained/provided by the department of environmental quality pursuant to the federal clean air act and the resource conservation and recovery act.¹⁰

IDEQ's website has an entire page dedicated to "Public Information" to encourage ... participation through training, advisory groups, outreach, and [IDEQ's] rulemaking process."¹¹ Members of the public have the ability to be included on an advisory committee to provide input during negotiated rulemaking. "¹²

- Language Access:

ITD has published an Limited English Proficiency (LEP) Language Assistance Plan which provides information on definitions, compliance, and reporting among others.¹³

- Consultation with Indigenous Communities and Tribal Nations:

The Tribal Employment Rights Ordinance (TERO) requires that employers who are engaged in operating a business on reservations give employment preference to qualified Indians.¹⁴

Governmental Environmental Justice Structures, Positions, and Funding Streams:

- Environmental Justice Coordinating Agency:

N/A.

⁸ ITD, *Civil Rights*, Title VI & EEO, <https://itd.idaho.gov/civilrights/> (last visited June 29, 2022).

⁹ *Id.*

¹⁰ 2015 Idaho L. Ch. 140 (H.B. 90).

¹¹ IDEQ, *Public Information*, <https://www.deq.idaho.gov/public-information/> (last visited June 30, 2022).

¹² *Id.*; See also Idaho Code § 67-5221 *et seq.*, available at <https://legislature.idaho.gov/statutesrules/idstat/title67/t67ch52/sect67-5221/>.

¹³ ITD, *LEP Language Assistance Plan* (2020), <https://apps.itd.idaho.gov/apps/ocr/documents/FTA-LEP-Plan.pdf> (last visited June 29, 2022).

¹⁴ ITD, *Civil Rights*, Tribal Ordinance - TERO, <https://itd.idaho.gov/civilrights/> (last visited June 29, 2022).

- Environmental Justice Coordinator:

N/A.

- Environmental Justice Advisory Board:

Idaho has authorized regional air quality councils within the Idaho Department of Environmental Quality.¹⁵ Idaho has also created a water quality council for the Big Payette Lake.¹⁶ Additionally, the state created a hazardous waste management planning committee.¹⁷ Lastly, Idaho has implemented Watershed Advisory Groups and Basin Advisory Groups to coordinate planning, advise on water quality, and make recommendations regarding sources of pollution in assigned areas of the state.¹⁸

- Funding for Environmental Justice:

The Idaho Community Health Center Grant Program established the "Community Health Center Grant Fund" to provide grants for community health centers in order to improve access to health care services for Idahoans.¹⁹

Additional Idaho Environmental Justice Provisions?

The Community Planning Association of Southwest Idaho (COMPASS) has an Environmental Justice Plan.²⁰

Idaho Environmental Justice Contacts?

N/A.

Where to Find Idaho Environmental Justice Laws, Policies, and Tools?

Constitutional Provisions:

N/A.

Executive Orders:

N/A.

Legislation and Statutes:

¹⁵ ID ST § 39-6703, available at <https://legislature.idaho.gov/statutesrules/idstat/title39/t39ch67/sect39-6703/>.

¹⁶ ID ST § 39-6603, available at <https://legislature.idaho.gov/statutesrules/idstat/title39/t39ch67/sect39-6703/>.

¹⁷ ID ST § 39-5805, available at <https://legislature.idaho.gov/statutesrules/idstat/title39/t39ch58/sect39-5805/>.

¹⁸ *Id.*; IDAHO CODE §§ 39-3613, 39-3616 (West 2009).

¹⁹ IDAHO CODE §§ 39-3201 *et seq.*, available at <https://legislature.idaho.gov/statutesrules/idstat/title39/t39ch32/sect39-3201/>.

²⁰ COMPASS, *Environmental Justice Plan* (2017), https://www.compassidaho.org/documents/people/Environmental_Justice_Plan_March_2017.pdf (last visited June 29, 2022).

N/A.

Regulations:

N/A.

Policies/Guidance:

N/A.

Mapping Tools:

N/A.

Other:

N/A.