

NEBRASKA

How Does Nebraska Define Environmental Justice and Environmental Justice Communities?

Environmental Justice Definitions:

N/A.

Environmental Justice Mapping Tools:

N/A.

How Does Nebraska 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:

N/A.

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.

Dedicated Funding to Environmental Justice Communities:

N/A.

Consideration of Cumulative Impacts:

N/A.

Prohibitions on Disparate Impact Discrimination:

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 30, 2022).

Established Environmental Rights:

N/A.

How Does Nebraska Address Environmental Justice in its Procedures²?

Environmental Justice as Part of Environmental Agency's Mission:

N/A.

Environmental Justice as Part of Other Agency's Mission:

N/A.

Processes and Procedures (including Title VI):

- Non-Discrimination Policy:

N/A.

- Grievance Procedures:

N/A.

- Enhanced Public Participation and Information Access:

Nebraska does have a public participation statute which governs the Nebraska Department of Environment and Energy (NDEE) rulemaking. Nebraska is required at a minimum to

include at least 30 days public notice and a public hearing on the proposed regulation by the Environmental Quality Council (EQC) prior to adoption. In addition, review and approval by the Attorney General and Governor are required before filing with the Secretary of State. A regulation becomes effective five days after filing with the Secretary of State.³

- Language Access:

N/A.

² 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 30, 2022).

³ NDEE, *Public Notice/Participation Process and Regulation Development*, <http://deq.ne.gov/NDEOProg.nsf/OnWeb/Develop> (last visited June 30, 2022); *See also* Neb. Rev. Stat. §84-901 (Nebraska Administrative Procedures Act); Neb. Rev. Stat. §84-907 (Public participation procedural requirements).

- Consultation with Indigenous Communities and Tribal Nations:

N/A.

Governmental Environmental Justice Structures, Positions, and Funding Streams:

- Environmental Justice Coordinating Agency:

N/A.

- Environmental Justice Coordinator:

NDEE’s EQC has one position dedicated to “Minority Populations”.⁴

- Environmental Justice Advisory Board:

NDEE has an EQC which hosts 18 time-limited positions.⁵

- Funding for Environmental Justice:

N/A.

Additional Nebraska Environmental Justice Provisions?

N/A.

Nebraska Environmental Justice Contacts?

N/A.

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

Constitutional Provisions:

N/A.

Executive Orders:

N/A.

Legislation and Statutes:

- [Neb. Rev. Stat. §84-901](#), Nebraska Administrative Procedures Act.
- [Neb. Rev. Stat. §84-907](#), Public Participation.

⁴ NDEE Env’t Quality Council Members, <http://deq.ne.gov/NDEQProg.nsf/OnWeb/EQCMem> (last accessed June, 2022).

⁵ *Id.*

Regulations:

N/A.

Policies/Guidance:

N/A.

Mapping Tools:

N/A.

Other:

N/A.