



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

April 19, 2024

In Reply Refer to:

EPA Complaint No: 02R-21-R5

Kirsten Wallace
Executive Director
Upper Mississippi River Basin Association
7831 East Bush Lake Road
Bloomington, MN 55439
kwallace@umrba.org

Re: Resolution of EPA Complaint No. 02R-21-R5

Dear Executive Director Wallace:

This letter is to notify you that the U.S. Environmental Protection Agency ("EPA"), Office of Environmental Justice & External Civil Rights ("OEJECR"), Office of External Civil Rights Compliance ("OECRC"), has resolved EPA Complaint No. 02R-21-R5 based on the enclosed Informal Resolution Agreement ("Agreement"), which is entered into between EPA and the Upper Mississippi River Basin Association ("UMRBA").

On July 9, 2021, EPA accepted for investigation a complaint filed against UMRBA alleging discrimination on the basis of race and national origin in violation of Title VI of the Civil Rights Act of 1964 ("Title VI") and EPA's nondiscrimination regulation, at 40 C.F.R. Parts 5 and 7. Specifically, EPA accepted for investigation the following issues:

1. Whether the UMRBA discriminates on the basis of race and national origin in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., and 40 C.F.R. Part 7, by allegedly excluding Black, Hispanic, and Hmong communities from participating in the development of programs, projects, and policies related to flooding along the Mississippi River floodplain; and
2. Whether UMRBA has and is implementing the procedural safeguards required under 40 C.F.R. Parts 5 and 7 that all recipients of EPA financial assistance must have in place to comply with their general nondiscrimination obligations, including specific policies and procedures to ensure meaningful access to the UMRBA's programs, services, and activities for individuals with limited English proficiency and individuals with disabilities, and whether the UMRBA has a public participation policy and process that is consistent

with Title VI and other federal civil rights laws, and EPA's implementing regulation at 40 C.F.R. Parts 5 and 7.

During the course of EPA's investigation, UMRBA agreed to enter into the IRA process in order to resolve EPA Complaint No. 02R-21-R5. The enclosed Agreement, signed on April 19, 2024, is entered into by EPA pursuant to the authority granted to EPA under the federal nondiscrimination laws, including Title VI and 40 C.F.R. Parts 5 and 7. It is understood that the Agreement does not constitute an admission by UMRBA of any violation or a finding by EPA of compliance or noncompliance with applicable federal non-discrimination laws and regulation.

The enclosed Agreement does not affect UMRBA's continuing responsibility under Title VI, 40 C.F.R. Parts 5 and 7, and other federal nondiscrimination laws, nor does it affect OECRC's investigation of any Title VI or other federal civil rights complaints or address any other matter not covered by this Agreement. This letter sets forth EPA's disposition of the complaint. This letter is not a formal statement of EPA policy and should not be relied upon, cited, or construed as such.

If you have any questions regarding this letter and the Agreement between EPA and UMRBA, please contact me at (202) 604-9433 or by e-mail at kurt.temple@epa.gov.

Sincerely,

Kurt Temple, Acting Director
Office of External Civil Rights Compliance
Office of Environmental Justice and External
Civil Rights

cc: Ariadne Goerke
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