

Draft Minutes of the Environmental Justice Council

March 22, 2023

Virtual ZOOM Platform

Due to limited staff capacity, Environmental Justice Council (Council) staff are working to streamline the Council meeting notes. The notes now include only very high-level points and the final decisions made along with voting records. The full meeting recordings can be found on the Council's website: [Environmental Justice Council Meetings | WaPortal.org](https://www.wa.gov/EnvironmentalJusticeCouncilMeetings). However, it is important that meeting notes are useful to the Council Members and the public. Please share feedback with Council staff on how we can make these notes most useful to you by emailing envjustice@ejc.wa.gov or by calling 360-584-4398.

Governor-Appointed Council Members present:

- Council Member Maria Batayola
- Council Member Nichole Banegas, left at 6:57pm
- The Honorable Jarred-Michael Erickson
- Council Member Running-Grass
- Council Member Aurora Martin, joined at 4:36pm
- Council Member David Mendoza
- Council Member Todd Mitchell
- Council Member Nirae Petty, joined at 4:08pm and left at 6:12pm
- The Honorable Annette Bryan on behalf of the Honorable Sylvia Miller, left at 7:09pm
- Council Member Faaluaina Pritchard, joined at 4:07pm and left at 5:15pm
- Council Member Raeshawna Ware, joined at 4:35pm
- Council Member Maria Blancas, joined at 4:47pm

Governor-Appointed Council Members absent:

- Council Member Rosalinda Guillen
- Council Member Esther Min
- The Honorable Misty Napeahi

Agency Ex Officio Members present:

- Lea Anne Burke on behalf of Laura Blackmore, Puget Sound Partnership
- Eliseo (EJ) Juarez, Department of Natural Resources
- Ahmer Nizam, Department of Transportation
- Jennifer Grove on behalf of Michael Furze, Department of Commerce

- Nicole Johnson, Department of Agriculture
- Millie Piazza, Department of Ecology
- Lauren Jenks, Department of Health, joined at 4:44pm

Council staff:

- Amina Al-Tarouti
- Jonathan Chen
- Angie Ellis
- Christy Curwick Hoff
- Rowena Pineda
- Sauncha Romey
- Sierra Rotakhina

Guests Present:

- The Honorable Patrick DePoe, joined at 4:35pm

I. Welcome and Roll Call for Quorum

Maria Batayola, Council Co-Chair, called the meeting to order at 4:01pm. Rowena Pineda, Council Staff, took the roll call.

Nichole Banegas	Present
Co-Chair Maria Batayola	Present
Maria Blancas	Joined at 4:47pm
The Honorable Jarred-Michael Erickson	Present
Running-Grass	Present
Rosalinda Guillen	Absent
Aurora Martin	Joined at 4:36pm
David Mendoza	Present
Esther Min	Absent
Todd Mitchell	Present
The Honorable Misty Napeahi	Absent
Nirae Petty	Present
Faaluaina Pritchard	Present
The Honorable Annette Bryan on behalf of the Honorable Sylvia Miller	Present
Raeshawna Ware	Joined at 4:35pm

II. Approval of Agenda by Council

Co-Chair Batayola, called for an adoption of the agenda. Members discussed whether to add an agenda item to elect a new Co-Chair.

Motion: The Council adopts the agenda.

Motion/Second: Member Pritchard/Member Mendoza.

The motion passed, with Council Member Running-Grass noting reservations.

III. Approval of February 28, 2023 Meeting Notes by Council

Co-Chair Batayola called for an adoption of the February 28, 2023 minutes. Todd Mitchell, Council Member, requested that all motions be included in the minutes.

Motion: The Council adopts the February 28, 2023 minutes with any edits needed to ensure all motions are included in the minutes.

Motion/Second: Member Pritchard/Member Mendoza.

The motion passed.

IV. Executive Committee and Legislative and Budget Updates

Co-Chair Batayola said the Executive Committee has been discussing support for Council Members at committee meetings (e.g., having alternatives or bringing additional individuals to meetings).

Some members have limited capacity to fully participate. Members discussed the need for the Governance Committee to develop recommendations and to add language to the bylaws. Council Member Running-Grass said they are working on email responses to public comments. Jonathan Chen, Council Staff, provided an update on the legislative session.

VI. Public Comments

Co-Chair Batayola opened the public comment period, announcing that this was an opportunity to hear from community members who wanted to provide comments on agenda items before Council Members took action.

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John Worthington provided comments on the identification of overburdened communities. He spoke to disputes over the term and said he would like to share his solution at a future public comment period.

VI. Celebration and Appreciation of Co-Chair Patrick DePoe's Contributions to the Council, Request for Recommendation from Tribal Representatives for Executive Committee Tribal Representative, and Election of Interim Co-Chair

Co-Chair Batayola said staff have been in contact with the Governor's Office about appointing a Tribal Representative to the Council to fill the seat vacated by former Council Co-Chair Patrick DePoe. She said the Council's bylaws require that the Executive Committee includes at least one Tribal Representative. Council Member Running-Grass said the bylaws require the Co-Chairs be elected from among the Executive Committee members. He suggested amending the bylaws to elect an interim Co-Chair from among the full Council membership. Council members shared their thoughts opposed to and in favor to amending the bylaws. Several members encouraged the Honorable Jarred-Michael Erickson to join the Executive Committee and consider serving as Co-Chair. Council Member Erickson said he would serve on the Executive Committee and as Co-Chair on an interim basis, adding that when they the forth Tribal Representative appointed, they could revisit.

Co-Chair Batayola asked staff to check with Council Member Misty Napeahi to get her thoughts on this issue. She then paused the discussion to welcome former Co-Chair Patrick DePoe. Members shared their appreciation for his service and leadership and congratulated him on his new position.

VII. Council Community Engagement Committee Recommendations for Discussion and Council Action

Nirae Petty, Council Member, said the Community Engagement Committee is working to establish values and goals. She read the values as submitted in the meeting materials and Council Members provided feedback:

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- The Honorable Annette Bryan, Council Member, - Gratitude for the acknowledgment of historical harms.
- Member Mitchell – Hoped data would not be a barrier if it is not available before engagement.
- Raeshawna Ware, Council Member – Requested inclusion of data disaggregation (preparing before going into a community) and the idea that community is not a monolith. Also, the need to focus on those closest to the pain, not just those who are available and have capacity.
- Co-Chair Batayola - Outreach and community engagement need to be defined. Also, she appreciates the affirmation that the fundamental guidance is available in HEAL and the CCA.

Member Petty asked that the changes be added before voting to establish the values. Member Running-Grass said he made some edits to the document and he added that some examples about how to operationalize the values. He suggested that they consider a motion to affirm the direction but that they spend some more time with it before adopting and submitting to the agencies. David Mendoza, Council Member, said the EJ Task Force report included additional guidance.

Motion: The Council affirms and appreciates the general direction of the “Community Engagement Values and Guidance” discussed at the March 22, 2023 Council meeting and directs the Community Engagement Committee to continue to work on these with input from Council Members and bring them back to the full Council for adoption.

A: Yes, I approve.

B: Yes, with reservations.

C: Not voting until we have further discussions.

D: I don't approve, but I won't block.

E: I block, have serious concerns.

F: I stand aside, recuse myself.

Nichole Banegas	A
Co-Chair Maria Batayola	A
Maria Blancas	A
The Honorable Jarred-Michael Erickson	A
Running-Grass	A, First Motion
Rosalinda Guillen	Absent
Aurora Martin	A
David Mendoza	A
Esther Min	Absent
Todd Mitchell	A
The Honorable Misty Napeahi	Absent
Nirae Petty	A
Faaluaina Pritchard	Absent
Honorable Annette Bryan on behalf of the Honorable Sylvia Miller	A
Raeshawna Ware	A

VIII. 2023 Workload Prioritization and Meeting Planning

Sauncha Romey, Council Staff, shared the results of the Council Member survey on workload prioritization. Member Mendoza expressed concerns that CCA linkage was a low priority. Lea Anne Burke, attending on behalf of Ex Officio Member Laura Blackmore and Puget Sound Partnership, said there is a lot of work for staff and the Interagency Workgroup to complete and they are hesitant to move forward without guidance from the Council, adding that they are faced with legislative deadlines. Co-Chair Batayola said the HEAL Act and CCA provide a lot of guidance that they can look to. Co-Chair Batayola proposed that the Executive Committee continue to work on prioritization and consult with the Interagency Workgroup.

Sierra Rotakhina, Council Staff, shared the proposed meeting dates. No concerns were expressed.

MOTION: The Council adopts the proposed Meeting Schedule for 2023.

A: Yes, I approve.

B: Yes, with reservations.

C: Not voting until we have further discussions.

D: I don't approve, but I won't block.

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E: I block, have serious concerns.

F: I stand aside, recuse myself.

Nichole Banegas	A, First
Co-Chair Maria Batayola	A
Maria Blancas	A
The Honorable Jarred-Michael Erickson	B
Running-Grass	A
Rosalinda Guillen	Absent
Aurora Martin	A
David Mendoza	B
Esther Min	Absent
Todd Mitchell	A
The Honorable Misty Napeahi	Absent
Nirae Petty	Absent
Faaluaia Pritchard	Absent
Honorable Annette Bryan on behalf of the Honorable Sylvia Miller	A, Second
Raeshawna Ware	A

IX. Affirming HEAL Act Environmental Justice Assessment Guidance and State Agencies' Proposed Process

Rowena Pineda said this was an informational agenda item. She reviewed statutory requirements for Environmental Justice Assessments on Significant Agency Actions (outlined in meeting materials, starting on page 49). Co-Chair Batayola asked about required consultation with Tribes and how the process would align with SEPA review. Members discussed when to start an EJ Assessment with many members commenting on the need to do the assessments early in the process. Rowena Pineda said the committee was meeting next Wednesday and they would be doing a test run.

X. Affirming HEAL Act Defining Overburdened Communities and Vulnerable Populations Guidance and State Agencies' Proposed Process

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Rowena Pineda provided some background information as outlined on pages 54-56 in the meeting materials. Member Mendoza said there are different opinions on whether there should be a process for identifying Overburdened Communities or a single list. He said if there was a grant program or a policy it would need a more narrowed definition. Co-Chair Batayola suggested running tests using process, single definition, and a hybrid approach to see if there were unexpected consequences. Eliseo (EJ) Juarez, Ex Officio Member, asked if there was a better way to get information to members so they could be prepared to participate more fully. Co-Chair Batayola suggested it might be helpful for Council Members to join their meetings.

XI. Public Comment

John Worthington said the shipping of emissions is more of a threat than local industry and transportation. He said the solution is wind power, solar power, and micro power (vertical water job). He said we need to power the industrial scrubbers and invest in robotics agriculture and manufacturing and clean up after it all. He said we need to do that all rather than get all our stuff from China and India. He discussed how his solution could be paid for. Co-Chair Batayola asked Mr. Worthington to submit his comments in writing.

Council staff read a written comment submitted regarding the importance of Tribal perspectives and keeping tribal representatives for EJ Council co-chairs.

XII. Discussion of Environmental Justice in Budgeting and Funding Decisions and Discussion of Environmental Justice Principles

Rowena Pineda provided background information on statutory requirements, see meeting materials starting on page 61. She said the HEAL Act does not define “environmental justice principles” and asked if there was any guidance from members. Member Mendoza said the EJ Task Force developed a set of environmental justice principles. Ex Officio Member Juarez said the Task Force’s work has been invaluable and helped inform DNR’s strategic plan. Millie Piazza, Ex Officio Member, said the federal work on Justice 40 could be useful as many agencies have federal oversight. She suggested opening up Council committees beyond Council Members as there are

individuals doing important work that we can learn from. Co-Chair Batayola said it might be nice to bring in experts and have a day of learning.

XIII. Appreciation and Adjournment

Co-Chair Batayola thanked everyone and adjourned the meeting at 7:27pm.