

Adopted Minutes of the Environmental Justice Council

March 28, 2024

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/EnvironmentalJusticeCouncil/Meetings). 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.

Council Members present:

- Nichole Banegas
- Maria Batayola (Co-Chair)
- Maria Blancas
- Tatiana Brown
- Running-Grass
- Rosalinda Guillen
- Aurora Martin
- David Mendoza
- Todd Mitchell
- AJ Dotzauer on behalf of the Honorable Misty Napeahi
- Faaluaina Pritchard

Council Members absent:

- The Honorable Jarred-Michael Erickson (Interim Co-Chair)
- Esther Min
- Raeshawna Ware
- The Honorable JJ Wilbur

Agency Ex Officio Members present:

- Paulina Deschamps Ramirez, Puget Sound Partnership
- Eliseo (EJ) Juárez, Department of Natural Resources
- Ahmer Nizam, Department of Transportation
- Michael Furze, Department of Commerce

- Nicole Johnson, Department of Agriculture
- Millie Piazza, Department of Ecology

Agency Ex Officio Members absent:

- Lauren Jenks, Department of Health

Council staff:

- Amina Al-Tarouti
- Jonathan Chen
- Angie Ellis
- Christy Curwick Hoff
- Dana Myers
- Rowena Pineda
- Sierra Red Bow
- Sierra Rotakhina

Guests and other participants:

- Courtney Cecale, Department of Ecology
- Jarvis Capucion, Nickelsville
- Amasai Jeke, Utopia Washington
- Maria Fernandez, We Are Ella
- Jerry Rivero, Office of the Governor

I. Welcome and Roll Call for Quorum

Maria Batayola, Council Co-Chair, called the meeting to order. Rowena Pineda, Council Staff, facilitated roll call. Tatina Brown, Council Member, introduced herself. Newly hired EJ Council staff, Sierra Red Bow and Dana Myers also introduced themselves. Co-Chair Batayola introduced Jerry Rivero, the Environmental Justice and HEAL Act Implementation Coordinator with the Office of the Governor.

Nichole Banegas	Business Representative	Present
Maria Batayola (Co-Chair)	Community Representative	Present
Maria Blancas	Community Representative	Present

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Tatiana Brown	Youth Community Representative	Present
The Honorable Jarred-Michael Erickson (Interim Co-Chair)	Tribal Representative	Absent
Running-Grass	EJ Practitioner	Present
Rosalinda Guillen	Community Representative	Present
Aurora Martin	Community Representative	Present
David Mendoza	Representative At Large	Present
Esther Min	EJ Practitioner	Absent
Todd Mitchell	Union Representative	Present
AJ Dotzauer, on behalf of The Honorable Misty Napeahi	Tribal Representative	Present
Faaluaina Pritchard	Community Representative	Present
Raeshawna Ware	Community Representative	Absent
The Honorable JJ Wilbur	Tribal Representative	Absent

II. Approval of Agenda by Council

Aurora Martin, Council Member, facilitated adoption of the agenda.

Motion: The Council adopts the agenda.

No objections noted. **The motion passed.**

III. Approval of January 25, 2024 Meeting Notes by Council

Member Martin facilitated adoption of the meeting notes.

Motion: The Council adopts the January 25, 2024 meeting notes.

No objections noted. **The motion passed.**

IV. Discussion and Potential Adoption of Council Bylaws

Member Martin introduced the agenda item. Sierra Rotakhina, Council Staff, reviewed the changes recommended by the Governance Committee as a result of feedback received at the Council’s last meeting.

Motion: The Environmental Justice Council adopts the bylaws as presented on March 28, 2024.

Motion/Second: Maria Batayola /Lua Pritchard.

The motion passed.

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	Business Representative	A
Maria Batayola (Co-Chair)	Community Representative	A
Maria Blancas	Community Representative	A
Tatiana Brown	Youth Community Representative	A
The Honorable Jarred-Michael Erickson (Interim Co-Chair)	Tribal Representative	Absent
Running-Grass	EJ Practitioner	A
Rosalinda Guillen	Community Representative	A
Aurora Martin	Community Representative	A
David Mendoza	Representative At Large	A
Esther Min	EJ Practitioner	Absent
Todd Mitchell	Union Representative	A
AJ Dotzauer On behalf of The Honorable Misty Napeahi	Tribal Representative	A
Faaluaina Pritchard	Community Representative	A
Raeshawna Ware	Community Representative	Absent
The Honorable JJ Wilbur	Tribal Representative	Absent

V. Community Connection: HEAL Community! Grants Grantees and Update on the Department of Health Environmental Justice Grants

Member Martin shared background on the HEAL Communities! Fund, including the process for selecting grantees. Jarvis Capucion, Nickelsville, shared information about the organization, the homeless population in the state, and their grant related work. Amasai Jeke, Utopia Washington,

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shared information about their program's efforts to promote climate resilience and environmental justice. They shared information about health disparities faced by the LGBTQ community. Maria Fernandez, Executive Director of We Are ELLA (Empowering Latina Leadership & Action), said they have been working with the community of Mabton to provide safe drinking water. She shared information about the population in Mabton and added that they are working with EJ Council staff to host a workshop to provide community leadership with information about the state budget and how to advocate for state funding.

Rowena Pineda referred members to the memo in the meeting packet. Sierra Rotakhina encouraged members and participants to suggest other community organizations to spotlight in future Council meetings.

VI. Public Comment

Rosalinda Guillen, Council Member, opened up the public comment period.

John Worthington said the term HEAL was first introduced in 2010 by ICLEI. He said that when reparations are offered to Tribes where a treaty exists, that is renegotiating and breaking the treaty. He said the Legislature did not agree with his argument about the jet stream. He spoke about pollution that comes into Washington State from other jurisdictions by the jet stream.

Arvia Morris said there is a lack of support for passenger rail travel as a climate solution by the Legislature and WSDOT. She shared information about Amtrak Cascades and added that WSDOT released a set of proposals to improve Amtrak Cascades, but it has not been funded. She said the state needs to mode shift more travelers to rail and transit and rely less on driving and flying to meet its climate goals. She requested that the EJ Council ask WSDOT for a robust intercity passenger rail program.

Jean Mendoza said she believes the Council has oversight over the selection of overburdened communities and asked that they pay close attention to the Lower Yakima Valley. She said the

Department of Ecology has gerrymandered the community in their identification of overburdened communities. She said they eliminated Wapato, Toppenish, Zilla, and other impoverished communities in Yakima County and added more affluent communities.

VII. Updates on Past Public Comments

Member Guillen said they are working on being accountable to communities and Tribes who provide public comment to the Council. Amina Al-Tarouti, Council Staff, shared that the Council in collaboration with the Department of Health is working to create a platform on the Council's website to manage public comment that is submitted in several forms (including audio and video). This will provide a user-friendly platform to maintain a traceable record and follow-up trail for public comments that will be respectful of commenters' privacy. She said the data will help identify themes, trends and regional concerns expressed by the public. Sierra Rotakhina said part of accountability is being transparent about action steps the EJ Council is taking in response to public comments and noted that the Council is growing its staff capacity to be responsive to Tribes and communities. Member Guillen said this will lead to results for communities.

VIII. Updates and Dialogue about the Office of Financial Management (OFM) HEAL Dashboard

Co-Chair Batayola introduced the agenda item. Courtney Cecale, Department of Ecology, HEAL Interagency Workgroup Metrics Subcommittee Lead, shared preliminary ideas for the dashboard which must be posted on OFM's website by September 1, 2024. Co-Chair Batayola suggested creating the dashboard with consideration to human interface. Member Guillen said community members might find it overwhelming and not welcoming or different than other government websites. She said it sounds like it is designed for agencies and not communities. She said she hopes to see interagency collaboration that signals agencies are doing things differently. Running-Grass, Council Member, said he would be interested in a dialogue rather than a listening session to continue conversation about the dashboard. He said he would like to see the page on EJ Assessments provide information about how communities can participate in the process and how

the agencies will use knowledge that communities provide. He added that he hopes they can build in community engagement. Millie Piazza, Ex Officio Member from Department of Ecology, said that if it feels bureaucratic, it is because they are responding to statutory requirements. She said she hopes to see how it can help agencies remain accountable, which is how she reads the intention of the HEAL Act. EJ Juarez, Ex Officio Member from Department of Natural Resources, said they have had to spend time aligning their data and the different information they collect. He said this alignment will help the agencies to measure and report on the same outcomes.

Michael Furze, Ex Officio Member for Department of Commerce, said he and Millie Piazza are leading the Task Team to identify overburdened communities and vulnerable populations, as directed by the Governor's Office. Member Guillen asked about agricultural communities and how they are represented in the map presented. Ex Officio Member Furze said they could investigate the layers with GIS. He added that they need to account for limitations in the data sets and ensure communities can be included in the mapping process (and investment process) so they are not left behind.

Co-Chair Batayola asked if members see any fatal flaws. Todd Mitchell, Council Member commented on workforce that moves daily into those communities. He said they do not necessarily have a voice that will be represented in those communities. Member Guillen said they need to continue to include agricultural pollution in the map. She added that the Department of Labor and Industries needs to opt into the HEAL Act to address workforce issues. Member Batayola said she wants to see airport impacted communities included in the map. Tatiana Brown, Council Member asked the Task Team to be more intentional in including rural and agricultural communities and not just rely on self-identification. Ex Officio Member Piazza said there are inconsistencies in data and the map will shift as data are updated.

IX. Discussion on “Direct and Meaningful Benefits” under the CCA and “Environmental Harms,” “Environmental Benefits,” and “Applicable Expenditures” under the HEAL Act

Jonathan Chen, Council Staff, said clarity on how the terms “Direct and Meaningful Benefits” and “Environmental Benefits” are operationalized will have an impact on how funds are invested. He provided more information on the process for interpreting these terms. He asked if the Council feels the definitions between the different terms should be aligned. AJ Dotzauer, Council Delegate, said she feels they should be aligned and likes the definition in HEAL. Member Brown asked for clarification on consequences if the terms are not aligned. Member Guillen said she supports alignment. Ex Officio Member Juarez commented on the potential legal differences between the two definitions. Jonathan Chen said they have made a request for legal guidance but have not received that guidance to date. Member Guillen said Council Members are providing aspirations for alignment that is allowable and aligns with any legal guidance. Ex Officio Member Furze said the Task Team has also requested legal review.

Jonathan Chen asked Council Members for their thoughts on the kinds of investments that should be considered “applicable expenditures” (under HEAL) or “direct and meaningful benefits” (under CCA). For example, he asked if staff costs, leases, supplies, human resource costs, etc. should also count as applicable expenditures. Member Dotzauer said Tulalip Tribes sees the benefit in an expansive definition of applicable expenditure. Member Guillen said expenditures should be linked to direct and meaningful benefit to communities. She said, hiring staff, especially in certain organizations, is needed. She added that expenditures should go directly to the community and not to other external entities that want to help the community. Member Brown suggested there needs to be a long-term benefit, adding that it would be appropriate to fund operational expenses under the condition that the funding wouldn’t be provided otherwise. Member Martin said the first phase of hiring-up seems reasonable for applicable expenditures. She cautioned against investments being replacements of other EJ expenditures. Member Mitchell cautioned against backfilling of positions.

Jonathan Chen said this is just the beginning of the process for operationalizing the terms. He said there would be opportunities for Council members to work with the Budget and Funding Subcommittee of the HEAL Interagency Workgroup on this.

X. 2024 Legislative Update

Christy Hoff, Council Staff, said there were no bills or provisos that passed that gave the Council additional statutory responsibilities. She referred Council Members to materials in their meeting packets and oriented Members to the crosswalk that identified where funding was included in the budget that aligned with the Council's budget recommendations. She shared the Governor still has an opportunity to veto any appropriations so changes could be made in the future. Sierra Rotakhina said there are reasons to celebrate the items that were included in the budget. Member Martin said it could be helpful to look at the investments that were made as a result of the Council's recommendations relative to the maps that are being created. Member Guillen said community members will want to see how funding has been allocated. Ex Officio Member Furze said it could be useful for agencies to walk the Council through how they would go about implementing the provisos in the budget and track and report on the HEAL outcomes. He said this could create clarity and invite dialogue.

XI. Public Comment

No additional public comments were provided during this second comment period.

XII. Appreciation and Adjournment

Ex Officio Member Piazza shared gratitude to Council Members who attended discussion sessions around the Task Team's work to identify overburdened communities. Member Martin thanked the community members who shared information at the top of the meeting. She said We Are ELLA is working on the direct and meaningful community benefit of water quality and the reduction of contamination in drinking water. And Nickelsville is working on community health for homeless individuals. And Utopia is working on direct and meaningful benefits for climate resiliency. Member

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Dotzauer welcomed Council Staff, Sierra Red Bow and said she hopes to increase Tribal participation in the Council's work. Member Running-Grass shared that Bunyan Bryant from the University of Michigan has passed away – he was one of the founders of the environmental justice movement.