

Environmental Justice Council

July 25, 2024 Meeting Materials

Table of Contents

Agenda - Español	1
Agenda - English	6
Approval of Past Meeting Notes	11
Draft May 3, 2024 Meeting Notes	11
Draft July 2, 2024 Special Meeting Notes	19
Community Connection	27
Memo	27
Past Public Comments and Community Connection Session in Central Washington	28
Memo	28
Summary of May 2 nd Community Meeting	Will be posted as supplemental materials
Draft Guidance on Allocating, Measuring & Reporting HEAL and CCA Investments	30
Memo	30
Draft Guidance on Allocating, Measuring & Reporting HEAL and CCA Investments	36
Update on 2025-2027 Biennial Budget Recommendations Development	42
Memo	42
Introduction and Input: HEAL Environmental Justice Assessments	45
Memo	45
One Page Summary: Update on Environmental Justice Assessments	48
HEAL Agencies Responses to Questions from EJ Assessment Committee	Will be posted as supplemental materials
HEAL Agencies' EJ Implementation Plans within their Strategic Plans	49
Memo	49
Written Public Comments	51

Consejo de Justicia Ambiental (EJC)

Jueves, 25 de julio de 2024

De 3:30 p. m. a 6:30 p. m.

Para unirse al webinar, haga clic en el siguiente enlace:

<https://us02web.zoom.us/j/81747864781>

Id. del seminario web: 817 4786 4781

O únase por teléfono: +1 253 215 8782

Id. del seminario web: 817 4786 4781

Números internacionales disponibles: <https://us02web.zoom.us/u/kd6MggTvTL>

Objetivos de la reunión:

1. Aprender de un grupo de la comunidad sobre las preocupaciones, problemas, ideas, soluciones y victorias en materia de justicia ambiental en su comunidad.
2. Informe del personal sobre la reunión comunitaria del 2 de mayo de 2024 en Toppenish y actualizaciones del personal del Consejo sobre comentarios públicos anteriores y el estado de dichos comentarios. Debate del Consejo sobre las medidas que puede tomar para ser receptivo.
3. Debatir el proyecto de directrices en el que trabajaron el Comité de la Ley de Compromiso Ambiental (CCA, por su sigla en inglés) y el Comité de Participación Comunitaria para aplicar los términos "Beneficios directos y significativos" en el marco de la CCA y "Beneficios ambientales" en el marco de la Ley HEAL (por su sigla en inglés, Medioambiente Sano para Todos). Identificar las áreas del proyecto que requieren un mayor refinamiento para su adopción en una reunión futura.
4. Debatir las lecciones aprendidas y planificar las recomendaciones para el presupuesto bienal 2025-2027.
5. Revisar los requisitos de la Ley HEAL en materia de evaluaciones de EJ (por su sigla en inglés, Justicia Ambiental) y recibir contribuciones sobre la elaboración conjunta de orientaciones para las evaluaciones de EJ por parte del Consejo y el grupo de trabajo interinstitucional de la HEAL.
6. Revisar los requisitos del Plan de Implementación de Justicia Ambiental de la Ley HEAL e informarse de las agencias de la HEAL sobre las áreas de responsabilidad en sus planes actuales y los plazos para la actualización de sus planes en el futuro.

Orden del día

A las 3:20 p. m., los invitamos a participar de una presentación sobre cómo activar los subtítulos descriptivos y cómo unirse al canal de interpretación en español.

De 3:30 p. m. a 3:35 p. m.	I.	Bienvenida y pasaje de lista para verificar que haya cuórum	El honorable Jarred-Michael Erickson Copresidenta Maria Batayola Miembros del Consejo
De 3:35 p. m. a 3:40 p. m.	II.	Aprobación del orden del día por parte del Consejo	Aurora Martin, miembro del Consejo
	III.	Aprobación de las notas de la reunión del 3 de mayo de 2024 por parte del Consejo	Miembros del Consejo
	IV.	Aprobación de las notas de la reunión especial del 2 de julio de 2024 por parte del Consejo - Posibles medidas del Consejo	
De 3:40 p. m. a 3:55 p. m.	V.	Conexión con la comunidad del Consejo de Justicia Ambiental Objetivos: Aprender de un grupo de la comunidad sobre las preocupaciones, problemas, ideas, soluciones y victorias en materia de justicia ambiental en su comunidad.	Rosalinda Guillen, miembro del Consejo Comité de Participación Comunitaria Sierra Red Bow, personal del Consejo Miembros del Consejo
Receso de 5 minutos			
De 4:00 p. m. a 4:25 p. m.	VI.	Actualizaciones sobre comentarios públicos anteriores y sesión de conexión con la comunidad en el centro de Washington	Rosalinda Guillen, miembro del Consejo Sierra Red Bow, personal del Consejo Miembros del Consejo

	Objetivos: Informe del personal sobre la reunión comunitaria del 2 de mayo de 2024 en Toppenish y actualizaciones del personal del Consejo sobre comentarios públicos anteriores y el estado de dichos comentarios. Debate del Consejo sobre las medidas que puede tomar para ser receptivo. - Posibles medidas del Consejo	
De 4:25 p. m. a 4:35 p. m.	VII. Comentarios públicos	Rosalinda Guillen, miembro del Consejo
De 4:35 p. m. a 5:05 p. m.	VIII. Debate: Proyecto de directrices para asignar, medir y notificar las inversiones en HEAL y CCA Objetivos: Debatir el proyecto de directrices en el que trabajaron el Comité de la Ley de Compromiso Ambiental (CCA) y el Comité de Participación Comunitaria para aplicar los términos "Beneficios directos y significativos" en el marco de la CCA y "Beneficios ambientales" en el marco de la Ley HEAL. Identificar las áreas del proyecto que requieren un mayor refinamiento para su adopción en una reunión futura.	El honorable Jarred-Michael Erickson Comité de la CCA Jonathan Chen, personal del Consejo Miembros del Consejo
Receso de 5 minutos		
De 5:10 p. m. a 5:30 p. m.	IX. Sesión informativa y debate: Actualización sobre el desarrollo de recomendaciones para el presupuesto bienal 2025-2027 Objetivos: Debatir las lecciones aprendidas y planificar las recomendaciones para el presupuesto bienal 2025-2027.	Esther Min, miembro del Consejo Comité presupuestario Christy Hoff, personal del Consejo Miembros del Consejo

De 5:30 p. m. a 5:50 p. m.	X. Introducción y contribuciones: Evaluaciones de EJ de la HEAL Objetivo: Revisar los requisitos de la Ley HEAL en materia de evaluaciones de EJ y recibir contribuciones sobre la elaboración conjunta de orientaciones para las evaluaciones de EJ por parte del Consejo y el grupo de trabajo interinstitucional de la HEAL.	Copresidenta Maria Batayola Comité de Evaluaciones de Justicia Ambiental Rowena Pineda, personal del Consejo Dana Myers, personal del Consejo Miembros del Consejo
De 5:50 p. m. a 6:05 p. m.	XI. Planificación de la carga de trabajo del Consejo: Planes de aplicación de justicia ambiental de las agencias de la HEAL dentro de sus planes estratégicos Objetivos: Revisar los requisitos del Plan de Implementación de Justicia Ambiental de la Ley HEAL e informarse de las agencias de la HEAL sobre las áreas de responsabilidad en sus planes actuales y los plazos para la actualización de sus planes en el futuro.	Aurora Martin, miembro del Consejo Rowena Pineda, personal del Consejo Dana Myers, personal del Consejo Miembros del Consejo
Receso de 5 minutos		
De 6:10 p. m. a 6:20 p. m.	XII. Comentarios públicos	Rosalinda Guillen, miembro del Consejo
De 6:20 p. m. a 6:30 p. m.	XIII. Agradecimientos y levantamiento de la sesión	Copresidenta Maria Batayola El honorable Jarred-Michael Erickson

Información importante:

- El Consejo puede cambiar los asuntos del orden del día el mismo día de la reunión.
- El número de contacto de emergencia durante la reunión es 360-584-4398.
- Si desea solicitar este documento en un idioma o formato alternativos, envíe un correo electrónico a Sierra Rotakhina en cualquier idioma a envjustice@ejc.wa.gov o llame al 360-584-4398.

Environmental Justice Council (EJC)

Thursday, July 25, 2024

3:30pm – 6:30pm

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81747864781>

Webinar ID: 817 4786 4781

Or Join by Phone: +1 253 215 8782

Webinar ID: 817 4786 4781

International numbers available: <https://us02web.zoom.us/u/kd6MggTvTL>

Meeting Goals:

1. Learn from a community group about environmental justice concerns, issues, ideas, solutions, and victories in their community.
2. Staff report-out on the May 2, 2024 community meeting in Toppenish and updates from Council staff on past public comments and the status of those comments. Council discuss what actions it can take to be responsive.
3. Discuss draft guidance that the Climate Commitment Act (CCA) and Community Engagement Committees worked on for applying the terms “Direct and Meaningful Benefits” under the CCA and “Environmental Benefits” under the HEAL Act. Identify areas in the draft that need further refinement for adoption at a future meeting.
4. Discuss lessons-learned and plan for 2025-2027 biennial budget recommendations.
5. Review the EJ Assessment HEAL Act requirements and obtain input on the co-development of EJ Assessment guidance by the Council and the HEAL Interagency Workgroup.
6. Review of HEAL Act Environmental Justice Implementation Plan requirements and learn from HEAL agencies about the areas of accountability in their current plans and their timelines for updating their plans in the future.

Agenda

Please join us at 3:20pm for a presentation on how to turn on closed captions and join the Spanish interpretation channel.

3:30 PM – 3:35 PM	I.	Welcome and Roll Call for Quorum	The Honorable Jarred-Michael Erickson Co-Chair Maria Batayola Council Members
3:35 PM – 3:40 PM	II.	Approval of Agenda by Council	Council Member Aurora Martin
Meeting materials on page 6 .	III.	Approval of May 3, 2024 Meeting Notes by Council	Council Members
	IV.	Approval of July 2, 2024 Special Meeting Notes by Council -Possible Council Action	
3:40 PM – 3:55 PM	V.	EJ Council Community Connection	Council Member Rosalinda Guillen
Meeting materials on page 27 .		Goals: Learn from a community group about environmental justice concerns, issues, ideas, solutions, and victories in their community.	Community Engagement Committee Sierra Red Bow, Council Staff Council Members
5 Minute Break			
4:00 PM – 4:25 PM	VI.	Updates on Past Public Comments and Community Connection Session in Central Washington	Council Member Rosalinda Guillen Sierra Red Bow, Council Staff
Meeting materials on page 28 .		Goals: Staff report-out on the May 2, 2024 community meeting in Toppenish and updates from Council staff on past public	Council Members

	<p>comments and the status of those comments.</p> <p>Council discuss what actions it can take to be responsive.</p> <p>-Possible Council Action</p>	
4:25 PM – 4:35 PM	VII. Public Comment	Council Member Rosalinda Guillen
Written public comments on page 51 .		
4:35 PM – 5:05 PM	VIII. Discussion: Draft Guidance on Allocating, Measuring & Reporting HEAL and CCA Investments	The Honorable Jarred-Michael Erickson CCA Committee Jonathan Chen, Council Staff Council Members
Meeting materials on page 30 .	Goals: Discuss draft guidance that the Climate Commitment Act (CCA) and Community Engagement Committees worked on for applying the terms “Direct and Meaningful Benefits” under the CCA and “Environmental Benefits” under the HEAL Act. Identify areas in the draft that need further refinement for adoption at a future meeting.	
5 Minute Break		
5:10 PM – 5:30 PM	IX. Briefing and Discussion: Update on 2025-2027 Biennial Budget Recommendations Development	Council Member Esther Min Budget Committee Christy Hoff, Council Staff Council Members
Meeting materials on page 42 .	Goals: Discuss lessons learned and plan for 2025-2027 biennial budget recommendations.	

<p>5:30 PM – 5:50 PM</p> <p>Meeting materials on page 45.</p>	<p>X. Introduction and Input: HEAL EJ Assessments</p> <p>Goal: Review the EJ Assessment HEAL Act requirements and obtain input on the co-development of EJ Assessment guidance by the Council and the HEAL Interagency Workgroup.</p>	<p>Co-Chair Maria Batayola Environmental Justice Assessment Committee</p> <p>Rowena Pineda, Council Staff</p> <p>Dana Myers, Council Staff</p> <p>Council Members</p>
<p>5:50 PM – 6:05 PM</p> <p>Meeting materials on page 49.</p>	<p>XI. Council Workload Planning: HEAL Agencies’ Environmental Justice Implementation Plans within their Strategic Plans</p> <p>Goals: Review of HEAL Act Environmental Justice Implementation Plan requirements and learn from HEAL agencies about the areas of accountability in their current plans and their timelines for updating their plans in the future.</p>	<p>Council Member Aurora Martin</p> <p>Rowena Pineda, Council Staff</p> <p>Dana Myers, Council Staff</p> <p>Council Members</p>
<p>5 Minute Break</p>		
<p>6:10 PM – 6:20 PM</p> <p>Written public comments on page 51.</p>	<p>XII. Public Comment</p>	<p>Council Member Rosalinda Guillen</p>
<p>6:20 PM – 6:30 PM</p>	<p>XIII. Appreciations and Adjournment</p>	<p>Co-Chair Maria Batayola</p> <p>The Honorable Jarred-Michael Erickson</p>

Important Information:

- The Council may move agenda items around on the day of the meeting.
- Emergency contact number during the meeting is 360-584-4398.
- To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398.

Draft Minutes of the Environmental Justice Council

05/03/2024

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/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.

Council Members present:

- Maria Batayola (Co-Chair)
- Maria Blancas
- Tatiana Brown
- The Honorable Jarred-Michael Erickson (Interim Co-Chair)
- Running-Grass
- Rosalinda Guillen
- Aurora Martin
- David Mendoza
- Esther Min
- AJ Dotzauer on behalf of the Honorable Misty Napeahi
- The Honorable Monica Tonasket

Council Members absent:

- Nichole Banegas
- Todd Mitchell
- Faaluaina Pritchard
- Raeshawna Ware (on a leave of absence)
- The Honorable JJ Wilbur

Agency Ex Officio Members present:

- Lea Anne Burke, 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
- Lauren Jenks, Department of Health

Council staff:

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

Guests and other participants:

- Jerry Rivero, Office of the Governor
- Jimmy Kralj, Department of Ecology
- Jill Wisehart, Department of Agriculture

I. Welcome and Roll Call for Quorum

Maria Batayola, Council Co-Chair, called the meeting to order. Rowena Pineda, Council staff, facilitated roll call.

Nichole Banegas	Business Representative	Absent
Maria Batayola (Co-Chair)	Community Representative	Present
Maria Blancas	Community Representative	Present
Tatiana Brown	Youth Community Representative	Present
The Honorable Jarred-Michael Erickson (Interim Co-Chair)	Tribal Representative	Present
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	Present
Todd Mitchell	Union Representative	Absent
AJ Dotzauer On behalf of the Honorable Misty Napeahi	Tribal Representative	Present

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@doh.wa.gov or 360-584-4398.

Faaluaina Pritchard	Community Representative	Absent
The Honorable Monica Tonasket	Tribal Representative	Present
Raeshawna Ware	Community Representative	Leave of Absence
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 March 28, 2024 Meeting Notes by Council

Member Martin facilitated adoption of the March 28, 2024 meeting notes.

Motion: The Council adopts the March 28, 2024 meeting notes.

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

IV. Updates on Environmental Justice Council Committee Work

Esther Min, Council Member, introduced the agenda item and Sierra Rotakhina, Council staff, provided a brief update on each of the Council’s committees. Jerry Rivero, Office of the Governor, gave an update on the Task Team that is working to identify overburdened communities and vulnerable populations. Jimmy Kralj, Climate Resilience Planner for the Department of Ecology, provided an update on the state’s Climate Resilience Strategy. The draft will be released for public comment, likely in June. They will update the strategy every four years. Co-Chair Batayola requested an opportunity for the Council to provide feedback on the strategy after the agency had incorporated public feedback.

V. Staff Briefing on What We Heard on Local Issues and EJ Council Action

Rosalinda Guillen, Council Member, shared her reflections on the community meetings. Sierra Rotakhina shared [slides](#), which covered examples of potential actions that the Council can take to be responsive to community comments. She said staff would complete a more thorough analysis of

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@doh.wa.gov or 360-584-4398.

all the comments to bring back to the Council at its July meeting. They will also report back to community members who shared contact information.

VI. Public Comments

Paul Tabayoyon, APIC Yakima, shared comments on four issues: Transportation, Pollution, Governance, and Funding. Regarding transportation, he said high speed trains on the western corridor take funding away from eastern Washington. On the topic of governance, he talked about how Yakima is labeled as an agricultural area. He shared that pollution is also an important issue for the community. He said it is one of the most polluted cities and that the pollution is the result of permitting and vehicle emissions. Regarding funding, he said small community-based organizations should be receiving the funding since they serve the community. He encouraged the Council to learn from the city and county governments if they have regional plans, adding that the local committees have been disbanded so community members have a harder time being engaged.

Monica Zazueta, from Vancouver Washington, recommended the book, Doughnut Economics. They said the book is about the social and ecological conditions that establish wellbeing and highlighted some of the 12 social dimensions, including food, health, education, income, and work. Monica said they would send resources to the Council.

VII. Continue Discussion on “direct and meaningful benefits” under the CCA and “environmental benefits and harms” under the HEAL Act

Co-Chair Batayola said this agenda item provided the opportunity to continue the discussion around these terms to inform possible future guidance to agencies, legislators, and the Governor. Jonathan Chen, Council staff, provided background information and Rowena Pineda and Jill Wisheart, Department of Agriculture, provided examples of programs they are administering and considerations for operationalizing the terms. Members discussed whether staff expenses to administer grant programs should be considered direct and meaningful benefits. Some members suggested they should if staffing is needed to ultimately provide benefit to the community. Others suggested there should be some level of service as a threshold. Members discussed how

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@doh.wa.gov or 360-584-4398.

consideration should be given to whether staffing is benefiting community capacity or state agency capacity. They also discussed how metrics are needed to measure improvements in the community. AJ Dotzauer, Council Member, said that Tribes work in a government-to-government relationship with the state so they have a different perspective on funding costs for staff.

VIII. Discussion: HEAL Agency Annual Report

Member Min provided background on this agenda item, stating that HEAL agencies are required to update the Council on HEAL implementation. She referred members to the memo in the [meeting packet](#) on page 28. Members offered the following informal input during the discussion on what they wanted to see in the agency reports:

- Agencies should report on the results of EJ Assessments and how they minimized harm and maximized benefits, rather than reporting only on the number of EJ Assessments completed.
- Agencies should report on how they incorporated guidance from the Council and how they have shifted the culture and practices within the agencies.
- In addition to successes, agencies should also report on barriers and how they overcame the barriers.
- Agencies should include baseline data so they can measure reductions in pollution and improvements in social determinants of health over time (disaggregated data).

Members also discussed how the Council has provided both formal guidance and informal guidance, which includes the wisdom shared by members in these discussions. They also discussed how in the previous reports, it may look like an agency is not meeting requirements, but it is likely because the agency doesn't do that kind of work.

IX. Discussion: 2024 Legislative Session

Member Min introduced the topic and Christy Hoff, Council staff, referred members to the memo on page 51 of the [meeting packet](#). She asked if members had any feedback on last legislative session activities and recommendations for moving forward. Members discussed how the Council

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@doh.wa.gov or 360-584-4398.

cannot testify on a bill unless it has adopted a formal policy position on the topic. Members also discussed how when the Council adopts broad policy positions (rather than very specific language), staff must be careful in interpreting whether bill language directly aligns or not. David Mendoza, Council Member, suggested expanding the Budget Committee to also cover policy so it can provide guidance to staff throughout session.

X. Discussion and Possible Adoption: Appropriate Resourcing to Perform HEAL and CCA Required Work

Sierra Rotakhina shared the Council staff organizational chart and said that staff are developing concept papers for decision packages for the 2025 legislative session. She shared staff [proposals](#) for additional staffing resources. Members voiced broad support for staff recommendations and indicated that Sierra's position should be upgraded to the Director level.

XI. Public Comment

Jonathan Chen read a public comment that was submitted anonymously. The commenter suggested that the subcommittee working on EJ assessments consider the connection between the SEPA checklist, the environmental impacts analysis exercise, and the HEAL Acts EJ Assessments. They added that merging of the tools could benefit elements of the SEPA checklist that are lacking.

Ashley Mocerro Powell, long-term resident of Pierce County, asked how the Council is addressing high turnover in state agencies and academic institutions. This is problematic from a community perspective and hinders relationship building. They shared that it is unclear to community members who to contact at the various government levels regarding enforcement of environmental laws. They also shared that the funding from the CCA should be shared in one place so community can easily track the projects. Ashley shared information on topics she wanted the Council to be aware of. The first is that the community is not given adequate time to respond to projects in Pierce County under the environmental impacts statement process. The second is in the City of Milton where a development did not require any permits and a forest of over a hundred acres was destroyed. They also shared information about the superfund site and how there is a lack

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@doh.wa.gov or 360-584-4398.

of transparency around the water quality near the site. They shared a final example from Pierce County where property next to Joint Base Lewis McCord has been acquired and they are planning to remove old growth forest, including endangered species.

Maria Fernandez, Empowering Latina Leadership & Action (ELLA), said they felt like they have truly been heard. She spoke to the lack of monitoring and enforcement by agencies and how not enforcing existing laws costs residents their lives. She cautioned the Council against any weakening of the recommendation language and urged the Council to be bold.

Jean Mendoza, Friends of Toppenish Creek, shared the mission of her organization and the impacts that the Concentrated Animal Feeding Operations (CAFOs) have had on the lower Yakima Valley. She spoke to the research that manure from dairy cows is polluting groundwater. She said the Department of Ecology has mandates to enforce the Clean Water Act and their biggest tool is to issue NPDES permits. She said the agency lacks resources to issue the permits, which are complex contracts. She added that the previous person in that role left their job because they didn't have enough support to do the work. She said that the law indicates that when the agency issues NPDES permits they are supposed to cover the cost of implementation, but Ecology doesn't collect enough fees to pay for adequate staffing.

Paul Tabayoyon, APIC Yakima, shared concerns about a hop extraction company that emits CO₂ during inversions, and it settles into an underpass and creates a suffocation zone. He said it should have gone through a SEPA study. He added that they do not have CO₂ monitoring equipment. He shared another example when he submitted complaints to the Yakima Health District, they didn't take his name or give him a filing number. He never got a call back. He said there should be a process to document and respond to complaints.

Reflections and Adjournment

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@doh.wa.gov or 360-584-4398.

Co-Chair Batayola said the community meetings were meaningful. She invited community to join them for dinner and share appreciations and reflections. Member Guillen said bringing public comment to the Council puts it on official record and gives them an opportunity to review.

Draft Minutes of the Environmental Justice Council

July 2, 2024 Special Meeting

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.

Council Members present:

- Nichole Banegas
- Maria Batayola (Co-Chair)
- Maria Blancas
- Tatiana Brown
- The Honorable Jarred-Michael Erickson (Interim Co-Chair)
- Rosalinda Guillen
- Aurora Martin
- David Mendoza
- Ryan Miller on behalf of the Honorable Misty Napeahi
- Faaluaina Pritchard – joined at 8:19am
- The Honorable JJ Wilbur – joined at 8:19am

Council Members absent:

- Esther Min
- Todd Mitchell
- Running-Grass
- The Honorable Monica Tonasket
- Raeshawna Ware (on leave of absence)

Agency Ex Officio Liaisons present:

- Lea Anne Burke, Puget Sound Partnership
- Nicole Johnson, Department of Agriculture
- Eliseo (EJ) Juárez, Department of Natural Resources

- Millie Piazza, Department of Ecology
- Lauren Jenks, Department of Health

Agency Ex Officio Liaisons absent:

- Michael Furze, Department of Commerce
- Ahmer Nizam, Department of Transportation

Council staff:

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

Guests and other participants:

- Anthony S. Aronica, Yakama Nation Office of Legal Counsel
- Cody Desautel, Executive Director, Confederated Tribes of the Colville Reservation
- Allyson Brooks, Washington State Department of Archaeology and Historic Preservation

I. Welcome and Roll Call for Quorum

Maria Batayola, Council Co-Chair, called the meeting to order. Rowena Pineda, Council staff, facilitated roll call.

16 Members / 0 Vacancies / 1 Leaves of Absence / Current Quorum = 8		
Nichole Banegas	Business Representative	Present
Maria Batayola (Co-Chair)	Community Representative	Present
Maria Blancas	Community Representative	Present
Tatiana Brown	Youth Community Representative	Present
The Honorable Jarred-Michael Erickson (Interim Co-Chair)	Tribal Representative	Present
Running-Grass	EJ Practitioner	Absent
Rosalinda Guillen	Community Representative	Present

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@doh.wa.gov or 360-584-4398.

Aurora Martin	Community Representative	Present
David Mendoza	Representative At Large	Present
Esther Min	EJ Practitioner	Absent
Todd Mitchell	Union Representative	Absent
Ryan Miller On behalf of the Honorable Misty Napeahi	Tribal Representative	Present
Faaluaina Pritchard	Community Representative	Present
The Honorable Monica Tonasket	Tribal Representative	Absent
Raeshawna Ware	Community Representative	Leave of Absence
The Honorable JJ Wilbur	Tribal Representative	Present

II. Approval of Agenda by Council

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

Motion: The Council adopts the agenda.

Lua Pritchard (motion)/Rosalinda Guillen (second). No objections noted. **The Motion passed.**

III. Public Comment

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

Jean Mendoza, introduced themselves as calling in from White Swan on the Yakama Reservation.

They said that killing *Pushpum* would be a direct assault on the Yakama people. They said it is sacred for the longhouse and if the Yakama lose *Pushpum* they will lose part of themselves.

IV. Discussion and Possible Adoption of Environmental Justice Council Principles

Sierra Rotakhina, Council Staff, referred members to page 7 of the [meeting packet](#). She said that the Council recently received requests from Tribal Nations to support them in opposing proposed energy siting projects on their traditional territories. She said the Council has not adopted its own position upholding Tribal sovereignty; self-determination; and free, prior, and informed consent.

Motion: The Environmental Justice Council (Council) affirms the rights acknowledged under the [United Nations Declaration of the Rights of Indigenous Peoples](#) and emphasizes the importance of practicing free, prior, and informed consent. The Council also upholds the [Principles of](#)

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@doh.wa.gov or 360-584-4398.

[Environmental Justice](#) adopted at the First National People of Color Environmental Leadership Summit in 1991, including the principle that “Environmental Justice must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants, [and other laws, and executive orders], affirming sovereignty and self-determination.” The Council knows the urgency of the climate crisis (particularly for Tribes and other frontline communities) and supports the need to transition to safer, cleaner, and more sustainable energy production. The Council further upholds that when this transition involves a project of non-Tribal proponents, it must happen only with free, prior, and informed consent from Tribes who have been, and continue to be, the stewards of the land since time immemorial.

David Mendoza (motion)/Maria Blancas (second). No objections noted. **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.

16 Members / 0 Vacancies / 1 Leaves of Absence / Current Quorum = 8		
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	A
Running-Grass	EJ Practitioner	Absent
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	Absent
Ryan Miller On behalf of The Honorable Misty Napeahi	Tribal Representative	A
Faaluaina Pritchard	Community Representative	A
The Honorable Monica Tonasket	Tribal Representative	Absent
Raeshawna Ware	Community Representative	Leave of Absence
The Honorable JJ Wilbur	Tribal Representative	A

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@doh.wa.gov or 360-584-4398.

V. Briefing, Discussion, and Possible Adoption: Standing with the Confederated Tribes and Bands of Yakama Nation on the Pump Storage Development at *Pushpum*

Co-Chair Batayola introduced the agenda item. Anthony Aronica, Senior Attorney and member of the Yakama Nation, thanked the Council for taking up this issue on the agenda. He shared information about the Yakama Nation, the project, and the project's oversight and timeline, which were covered in the [letter](#) submitted by the Chairman of the Yakama Nation Tribal Council. Anthony Aronica requested that the EJ Council share with the Department of Archaeology and Historic Preservation that they should be advocating for the preservation of Yakama Nation's resources and for an environmental project review that avoids destruction of non-renewable resources and mitigates project impacts. He suggested the EJ Council may want to make a determination of an Environmental Justice Assessment. He asked that the EJ Council look at whether the project is beneficial for the state of Washington. He added that there is a need for clean energy, but it should not destroy Tribal resources. He said beneficial use is a consideration for some permits and it weighs whether the project is best for the public. He concluded by saying they would advocate it is not beneficial for the Yakama Nation.

Jarred-Michael Erickson, Interim Council Co-Chair, asked if there were issues with the past windmill projects in the Goldendale area. Anthony Aronica said they have had concerns with locations of the windmill towers. Interim Co-Chair Erickson shared that there are often inadvertent consequences, such as when subleases of projects impact a Tribe's ability to collect first foods. Aurora Martin, Council Member, asked if beneficial use included a quantitative estimate of the profit for the company and any subsidy. Anthony said that they have concerns with the way the project is sited, and it cannot replace the underlying resource. He said the project may potentially be eligible for subsidies. Member Martin added that you cannot lend public credit for such development. Allyson Brooks, State Historic Preservation Officer for the Department of Archaeology and Historic Preservation, shared concerns with the Federal Regulatory Energy Council.

Motion: The Environmental Justice Council (Council) stands with and supports the Confederated Tribes and Bands of the Yakama Nation in their opposition to the pump storage project at *Pushpum*

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@doh.wa.gov or 360-584-4398.

(FERC Project No. 14861-002) that would cause negative and irreparable damage to Traditional Cultural Properties and traditional foods and medicines. Therefore the Council directs Council staff to 1) work with the Yakama Nation and other impacted Tribes to draft letters on the pump storage project at *Pushpum*, that uphold the Council’s principles on Tribal Sovereignty; self-determination; and free, prior, and informed consent for non-Tribal projects, and uplift and support the Yakama Nation’s positions on this project at its current stage and moving forward as needed and 2) to submit these letters to the relevant decision-making bodies on behalf of the full Environmental Justice Council.

Rosalinda Guillen (motion)/Lua Pritchard (second). No objections noted. **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.

16 Members / 0 Vacancies / 1 Leaves of Absence / Current Quorum = 8		
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	A
Running-Grass	EJ Practitioner	Absent
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	Absent
Ryan Miller On behalf of The Honorable Misty Napeahi	Tribal Representative	A
Faaluaina Pritchard	Community Representative	A
The Honorable Monica Tonasket	Tribal Representative	Absent
Raeshawna Ware	Community Representative	Leave of Absence
The Honorable JJ Wilbur	Tribal Representative	A

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@doh.wa.gov or 360-584-4398.

VI. Briefing, Discussion, and Possible Adoption: Standing with the Confederated Tribes of the Colville Reservation on the Proposed Badger Mountain Solar Project

Co-Chair Batayola introduced the agenda item and said that Co-Chair Erickson is recusing himself from the conversation and will not be voting on this agenda item. Cody Desautel, Executive Director for the Colville Tribe, said many of the issues that were just discussed are similar to Badger Mountain. He said it is a place that sees significant cultural use and gathering of plants. He shared an update on the project. David Mendoza, Council Member, asked if there were specific policy changes that could help so they don't find themselves in this position over and over. Co-Chair Batayola said that as a community member she would recommend that the HEAL Act be woven into every review process and that environmental community representatives be added to the Federal Energy Regulatory Commission.

Motion: The Council stands with and supports the Confederated Tribes of the Colville Reservation in their opposition to the Badger Mountain Solar Project that would cause irreparable damage to Traditional Cultural Properties and traditional foods and medicines. Therefore the Council ~~and~~ directs Council staff to 1) work with the Colville Tribes and any other impacted Tribes to draft letters on the Badger Mountain Solar Project, that uphold the Council's principles on Tribal Sovereignty; self-determination; and free, prior, and informed consent for non-Tribal projects, and uplift and support the Colville Tribes' positions on this project at its current stage and moving forward if needed and 2) to submit these letters to the relevant decision-making bodies on behalf of the full Environmental Justice Council.

Tatiana Brown (motion)/Rosalinda Guillen (second). No objections noted. **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.

16 Members / 0 Vacancies / 1 Leaves of Absence / Current Quorum = 8		
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	F
Running-Grass	EJ Practitioner	Absent
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	Absent
Ryan Miller On behalf of The Honorable Misty Napeahi	Tribal Representative	A
Faaluaina Pritchard	Community Representative	A
The Honorable Monica Tonasket	Tribal Representative	Absent
Raeshawna Ware	Community Representative	Leave of Absence
The Honorable JJ Wilbur	Tribal Representative	A

VII. Appreciations and Adjournment

Co-Chair Erickson said that his Tribe is not opposed to clean energy, but they want to do it right. He said there are smarter ways to implement clean energy projects in ways that recognize Tribal Sovereignty and have the least impact on Tribal resources. He thanked everyone for their time.

Environmental Justice Council

Date: July 25, 2024

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Community Connection

Background:

At its January 2024 meeting the Council adopted 2024 workplan which included a change to the flow of the meetings to include a time for a “Community Connection” agenda item at each meeting. The goals of this agenda item are for the Council to learn from Tribes and community groups about environmental justice issues, ideas, and solutions in their communities. Our staff is working with community groups to determine who is interested and available to join this meeting and subsequent 2024 meetings to connect with the Council during this standing agenda item.

Staff Contact:

Sierra Red Bow, Council Community and Tribal Engagement Supervisor,

Sierra.RedBow@ejc.wa.gov, 564-669-4791

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398. TTY users can dial 711.

Environmental Justice Council

Date: July 25, 2024

To: Environmental Justice Council

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Staff report-out on the May 2, 2024 community meeting in Toppenish and updates from Council staff on past public comments

Background and Summary:

The Environmental Justice Council (Council) met with community-based organizations and community members on May 2, 2024 at Heritage University. During those meetings the Council heard environmental justice concerns, ideas, victories, and solutions from community members. It is important that the Council is accountable to Tribes and communities and that information and comments shared with the Council guide the Council's work.

At the May 3, 2024 Council meeting staff shared [slides](#), which highlighted ideas and concerns heard from community members the day before and examples of potential actions that the Council can take to be responsive to these community comments. Because this quick analysis and presentation were put together between the community meeting on May 2nd and the Council meeting one day later, staff noted that this was just an early analysis with a few highlights from the meeting and that staff would complete a more thorough analysis of the meeting notes to bring back to the Council at its July meeting. Sierra Red Bow, Council Community and Tribal Engagement Supervisor, has been leading the Council staff in analyzing and summarizing the notes from the community meeting and developing draft recommendations for actions the Council could take. Sierra Red Bow will be circulating this draft with community members who attended the meeting and shared their contact information. The intent is to work with community to make any needed changes and to ensure the document accurately captures what they shared. This draft document will be posted as

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398. TTY users can dial 711.

supplemental materials for today's meeting on the Council's [website](#) when it is ready. From there our staff will continue to work with the community to ensure the document captures their comments correctly and to learn what their top priorities are for Council action. Because the Council has a small staff and limited capacity, it will be important that the possible Council actions are prioritized to focus the Council's work and that this prioritization is community-led.

Today staff will update the Council on this work and on the Community Engagement Committee's work to develop a public comment portal, tracking system, and dashboard to ensure the Council is accountable to comments from Tribes and communities.

Staff Contact:

Sierra Red Bow, Council Community and Tribal Engagement Supervisor,
Sierra.RedBow@ejc.wa.gov, 564-669-4791

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398. TTY users can dial 711.

Environmental Justice Council

Date: July 25, 2024

To: Environmental Justice Council

From: Jonathan Chen, Climate Justice Advisor

Subject: Draft Guidance for Allocating, Measuring, and Reporting Investments for Healthy Environment for All (HEAL) Act and the Climate Commitment Act (CCA)

Background

The reduction of environmental harms and equitable distribution of environmental benefits to overburdened communities and vulnerable populations are major goals of both the HEAL Act and the CCA. Although the HEAL Act defines "environmental harms" and "environmental benefits," it does not define what are the "applicable expenditures" nor the metrics for achieving these goals. Similarly, the CCA uses the term "direct and meaningful benefits" in reference to the equitable distribution of CCA investments but does not clearly define or have a metric for achieving it (see appendix to this memo on [page 32](#) for what is outlined in statute).

Having clarity on these terms has a significant impact on overburdened communities and vulnerable populations. For example, the Office of Financial Management will begin reporting in September how much of CCA funds are being spent on "direct and meaningful benefits." The application of these terms will impact this report, which may in turn impact what and how the Legislature decides to invest future CCA funds.

According to RCW 70A.02.110(9)(c)(ii), the Environmental Justice Council (Council) shall make recommendations to HEAL covered agencies on which agency actions may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population. Therefore, the Council has a role in clarifying how these various terms are to be interpreted and applied.

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398. TTY users can dial 711.

Developing this guidance has been an iterative process for the Council from the start. In March, the CCA Committee and Community Engagement (CE) Committee began discussing whether the Council has a role in providing such guidance. At the May 3, 2024 Council meeting, Members discussed various ideas and examples for what they considered as “direct and meaningful benefits.” Following that meeting, members of the CCA Committee and the CE Committee incorporated those ideas into a draft guidance document found on [page 36](#) of this meeting packet.

The draft guidance includes 10 recommendations. The CCA Committee came to a consensus for accepting recommendations #1, #2, #5, and #6 to recommend to the Council for adoption, and rejecting recommendation #7. The CCA Committee is waiting to receive more information on recommendations #3, #8, and #10 for further review. The CCA Committee determined that recommendations #4 and #9 would particularly benefit from a discussion by the full Council.

Objective

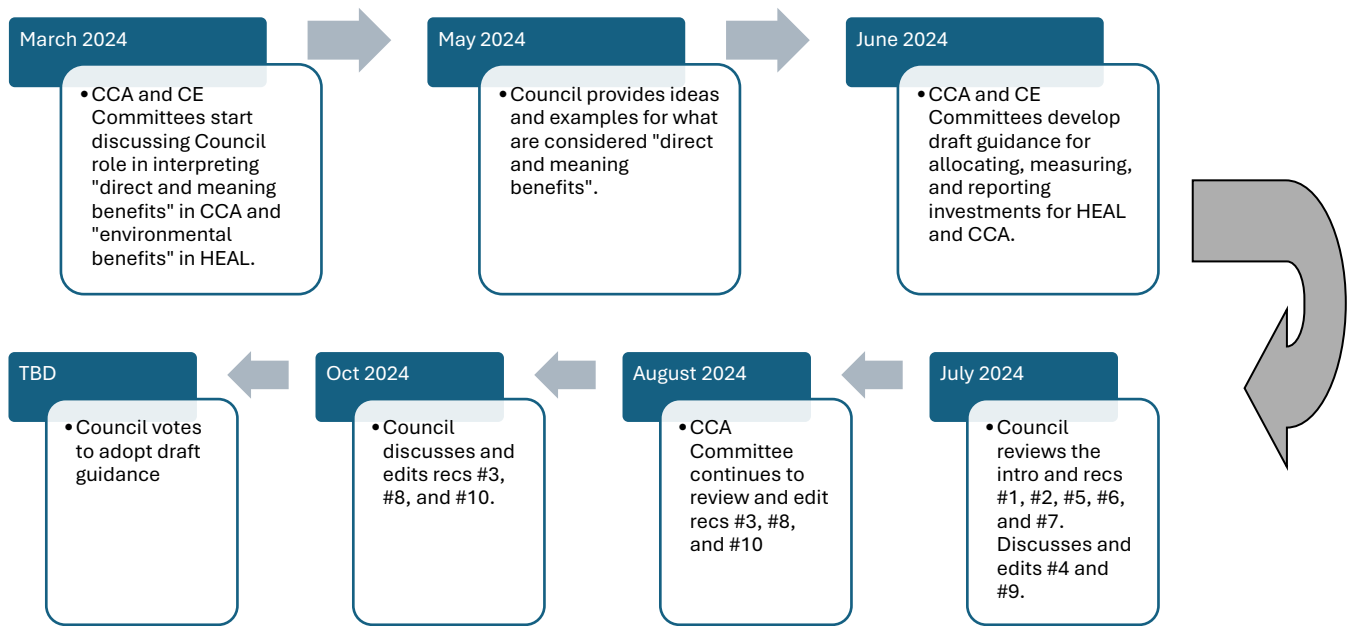
The Council’s goal today is to review the sections of the draft guidance that the CCA Committee came to consensus on (the introduction and recommendations #1, #2, #5, #6, and #7) and discuss the recommendations that require broader input and evaluation (#4 and #9).

The remaining steps in this iterative process are outlined below.

Process Timeline for Providing a Guidance Document

See diagram on next page.

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398. TTY users can dial 711.



Staff Recommended Actions

Before the Council meeting, please review the draft guidance document found on [page 36](#) of this meeting packet. Determine if you agree with the CCA Committee’s consensus on accepting the introduction and recommendations #1, #2, #5, #6, and rejecting #7. If you disagree with any of these, please prepare to offer an explanation. In addition, please prepare to provide input for discussing recommendations #4 and #9 at the Council meeting.

Staff Contact

Jonathan Chen, Climate Justice Advisor, Jonathan.Chen@ejc.wa.gov, 564.669.3837

Appendix

"Environmental benefits" in [70A.02.010](#)

(4) "Environmental benefits" means activities that are activities that:

- (a) Prevent or reduce existing environmental harms or associated risks that contribute significantly to cumulative environmental health impacts;

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398. TTY users can dial 711.

(b) Prevent or mitigate impacts to overburdened communities or vulnerable populations from, or support community response to, the impacts of environmental harm; or

(c) Meet a community need formally identified to a covered agency by an overburdened community or vulnerable population that is consistent with the intent of this chapter.

"Environmental harm" in [70A.02.010](#)

(5) "Environmental harm" means the individual or cumulative environmental health impacts and risks to communities caused by historic, current, or projected:

(a) Exposure to pollution, conventional or toxic pollutants, environmental hazards, or other contamination in the air, water, and land;

(b) Adverse environmental effects, including exposure to contamination, hazardous substances, or pollution that increase the risk of adverse environmental health outcomes or create vulnerabilities to the impacts of climate change;

(c) Loss or impairment of ecosystem functions or traditional food resources or loss of access to gather cultural resources or harvest traditional foods; or

(d) Health and economic impacts from climate change.

"Applicable Expenditures" in RCW [70A.02.080](#)

Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations;

"Direct and Meaningful Benefits" in RCW [70A.65.030](#)

(1) Except as provided in subsection (4) of this section, each year or biennium, as appropriate, when allocating funds from the carbon emissions reduction account

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398. TTY users can dial 711.

created in RCW [70A.65.240](#), the climate commitment account created in RCW [70A.65.260](#), the natural climate solutions account created in RCW [70A.65.270](#), the climate investment account created in RCW [70A.65.250](#), the air quality and health disparities improvement account created in RCW [70A.65.280](#), the climate transit programs account created in RCW [46.68.500](#), or the climate active transportation account created in RCW [46.68.490](#), or administering grants or programs funded by the accounts, agencies shall conduct an environmental justice assessment consistent with the requirements of RCW [70A.02.060](#) and establish a minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities through: (a) The direct reduction of environmental burdens in overburdened communities; (b) the reduction of disproportionate, cumulative risk from environmental burdens, including those associated with climate change; (c) the support of community led project development, planning, and participation costs; or (d) meeting a community need identified by the community that is consistent with the intent of this chapter or RCW [70A.02.010](#).

- (2) The expenditure of moneys under this chapter must be consistent with applicable federal, state, and local laws, and treaty rights including, but not limited to, prohibitions on uses of funds imposed by the state Constitution.
- (3) For the purposes of this section, "benefits" means investments or activities that:
 - (a) Reduce vulnerable population characteristics, environmental burdens, or associated risks that contribute significantly to the cumulative impact designation of overburdened communities;
 - (b) Meaningfully protect an overburdened community from, or support community response to, the impacts of air pollution or climate change; or
 - (c) Meet a community need identified by vulnerable members of the overburdened community that is consistent with the intent of this chapter.
- (4) The state must develop a process by which to evaluate the impacts of the investments made under this chapter, work across state agencies to develop and track priorities

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398. TTY users can dial 711.

across the different eligible funding categories, and work with the environmental justice council pursuant to RCW **70A.65.040**.

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398. TTY users can dial 711.

Environmental Justice Council

Guidance for Allocating, Measuring, and Reporting Investments for Healthy Environment for All (HEAL) Act and the Climate Commitment Act (CCA)

The purpose of the Healthy Environment for All Act (HEAL)^{1,2} and an underlying objective of the Climate Commitment Act (CCA)^{3,4} is to prevent or reduce environmental harms and equitably distribute environmental benefits to overburdened communities and vulnerable populations in Washington. Although both statutes have similar goals of distributing funds equitably, they use different language to describe the resulting benefits. The HEAL Act requires covered agencies to establish a goal of directing 40% of grants and expenditures to create environmental benefits to vulnerable populations and overburdened communities where practicable.⁵ The CCA requires a minimum of not less than 35% and a goal of 40% of total investments to provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities and a minimum of not less than 10% of total investments that are used for programs, activities, or projects formally supported by a resolution of a Tribe.⁶ The terms “environmental benefits” in the HEAL Act and “direct and meaningful benefits” in the CCA are closely aligned but have distinct definitions.^{7,8} Having guidance on how to interpret and apply these can establish consistency of implementation and uniformity of measurable outcomes across agencies.

According to [RCW 70A.02.110\(9\)\(c\)\(ii\)](#) of the HEAL Act, the Environmental Justice Council (Council) shall make recommendations to HEAL covered agencies on which agency actions may cause environmental harm or may affect the equitable distribution of environmental benefits

¹ RCW 70A.02.005

² RCW 70A.02.080

³ RCW 70A.65.005

⁴ RCW 70A.65.230

⁵ RCW 70A.02.080

⁶ RCW 70A.65.230

⁷ RCW 70A.02.010

⁸ RCW 70A.65.030

to an overburdened community or a vulnerable population. Therefore, the Council has a role in clarifying how these various terms are to be interpreted and applied, and recommends the state use the following guidance when directing, measuring, and reporting investments in communities.

Overarching guidance related to “Environmental benefits” defined in HEAL and “direct and meaningful benefits” defined in CCA when directing, measuring, and reporting investments in communities:

1. State agencies should not require Tribes to justify their determination for investments

Reaffirming Tribal Nations’ inherent sovereignty and right to self-determination, each Tribe reserves the right to determine and report which funds they receive are considered direct and meaningful benefits under CCA and/or environmental benefits under HEAL.⁹

2. Interpret “benefits” in the HEAL Act and the CCA the same way

The Council affirms the intention of the HEAL Act and CCA is to direct agency action to provide benefits to vulnerable populations and overburdened communities.

Furthermore, the indicators and/or objectives of the investments are captured in the laws themselves. Because the “environmental benefits” in HEAL and “direct and meaningful benefits” in CCA are described similarly but defined differently, they should be interpreted the same way when directing, measuring, and reporting investments in communities. Providing such benefits should encompass the following set of principles:

- Improve environmental and/or public health.
- Maintain consistency so that new inequities are not created.

3. The amount of investments for direct and meaningful benefits is a minimum and not a limit

⁹ [Centennial Accord | GOIA \(wa.gov\)](#)

The CCA requirements that 35% of total investments from all CCA-related accounts provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities and that a minimum of not less than 10% of total investments that are used for programs, activities, or projects formally supported by a resolution of a Tribe and the HEAL Act goal that 40% of grants and expenditures creating environmental benefits should go to vulnerable populations and overburdened communities should be seen as the floor not the ceiling.

Recommendations to the Legislature and Governor on needed policy changes:

4. Provide benefits to both vulnerable populations and overburdened communities

The CCA requires that direct and meaningful benefits be allocated to vulnerable populations “within the boundaries” of overburdened communities, while the HEAL Act requires that investments provide environmental benefits to overburdened communities “and” vulnerable populations. Because there is complexity and limitations in both definitions, and the tools used to assess environmental burdens have incomplete information, the Council provides the following list of actions to account for what is not included in the statutory definitions of overburdened communities or vulnerable populations:

- Ensure there is flexibility around the identification of vulnerable populations and overburdened communities.
- Allow for self-identification of vulnerable populations and overburdened communities.
- Ensure that hyperlocal areas can be evaluated for vulnerable populations and overburdened communities.
- Consider environmental burdens not listed in assessment tools like the Environmental Health Disparities (EHD) Map or the Climate and Economic Environmental Justice Screening Tool (CJEST).

- Prioritize areas and people that experience the combination of socio-economic disparities and environmental burdens.

5. Align the criteria for investments in the HEAL Act and CCA by making the “goal” a “requirement” and increasing it to 40%

To align the “goal” in the HEAL Act for 40% of total investments to provide environmental benefits to vulnerable populations and overburdened communities with the “requirement” in the CCA for 35% of total investments to provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities, the HEAL Act goal should be made into requirement. To align the percentage of total investments listed in both policies, the CCA should increase the requirement from 35% to 40%.

Recommendations to the Legislature, Governor, and Office of Financial Management when developing the state budgets:

6. Meet CCA required investments for Tribes and vulnerable populations in overburdened communities fully, and fund agency staffing and infrastructure from remaining CCA funds

The Council understands that for agencies to develop and operate programs and projects to promote environmental and climate justice, it is essential that additional agency staffing, and infrastructure are fully funded through the state budgets. However, to meet this need, the Legislature should not diminish the potential for the 10% of CCA funds to go directly to projects supported by a Tribe or the 40% of total investments to fund programs or projects that provide direct and meaningful benefits to vulnerable populations within overburdened communities. Funding these state agency operations and infrastructure should come from the remaining 50% of total CCA investments.

Recommendations to the Office of Financial Management and state agencies when measuring and reporting on investments under the CCA and HEAL Act:

7. Invest in building community capacity first. Then invest in agency staff and or infrastructure if it leads to eliminating environmental health disparities

As noted in recommendation #6 above, funding agency operations and infrastructure to promote environmental and climate justice should come from the 50% of total investments (under CCA) or 60% of spending (under HEAL) that is not reserved specifically for Tribes, overburdened communities, and vulnerable populations. To enhance community resiliency, independence, and capacity, State agencies should prioritize funding staff and agency infrastructure directly in Tribes and communities. However, funding agency staffing, or agency infrastructure can count towards 40% of total investments in overburdened communities if that agency staffing and infrastructure provides a clear path towards:

- Systemic change in state government;
- Ending the status quo in inequitable agency operations (for example streamlining agency granting processes rather than funding technical assistance to help applicants navigate an overly complex process);
- Long-term planning with Tribes and communities (e.g., co-developing climate adaptation plans, planning for future generations, visioning a water management with community);
- Contingency planning so in the event that investments diminish or stop, communities retain the ability to continue the work (e.g., identifying other long-term reliable funding sources, conveying funding needs in budget requests and to the Council, etc.);
- Agency accountability to Tribes (e.g., to provide free, prior, and informed consent [FPIC] to Tribes and facilitate Government-to-Government Consultation);
- Being open and transparent;
- Sharing decision-making power with communities;
- Making measurable reductions in environmental and health disparities; or

- Making measurable improvements in environmental benefits for vulnerable populations within overburdened communities.

8. When reporting information, disaggregate the investments that funded agencies and that funded vulnerable populations or overburdened communities

All agency CCA and HEAL reporting should be disaggregated to clearly indicate how much funding being counted as investments in vulnerable populations and overburdened communities went to communities and how much funding went toward state agency staffing and infrastructure that met the criteria listed in recommendation #7.

9. CCA investments should not count towards reaching HEAL Act goal

In order to maintain the spirit of the HEAL Act to center environmental justice in each agency program with environmental impacts, 40% of non-CCA funds that are applicable expenditures under the HEAL Act should be invested in vulnerable populations and overburdened communities. A covered agency's CCA investments should not count as part of its HEAL Act goal of directing 40% of grants and expenditures to create environmental benefits to vulnerable populations and overburdened communities.

10. Benefits are direct and meaningful when Tribes or communities have enough time and funding to complete their project

When determining if funding provided direct and meaningful benefits (under CCA) or environmental benefits (under HEAL), agencies should consider whether or not the Tribe or community had sufficient time and/or funds to complete the project, received the funds in time to meet community-identified timelines, and barriers to apply and access the funds.

Environmental Justice Council

Date: July 25, 2024

To: Environmental Justice Council

From: Christy Hoff, Policy Advisor

Subject: Update on 2025-2027 Biennial Budget Recommendations Development

Background:

The Environmental Justice Council (Council) has authority under [RCW 70A.65.040](#) of the Climate Commitment Act (CCA) to make recommendations to the Governor and Legislature on the programs funded by the CCA accounts. As the Council works to develop its budget recommendations, there are a couple of important factors to consider for the upcoming 2025 Legislative Session:

- Initiative 2117 will be on the ballot in the November general election. If voters approve the initiative, the CCA will be repealed; and therefore, programs funded by the CCA accounts will end—some at the effective date of the initiative (30 days after the election) and others by June 30, 2025. For any programs to continue, the Legislature will need to identify alternate fund sources. **In the event the CCA is repealed, the Council has an opportunity to recommend to the Governor and Legislature which programs that are funded by the CCA accounts should be prioritized and funded through other sources.**
- In 2025, the Legislature will adopt a new biennial (2 year) budget for the period beginning July 1, 2025 through June 30, 2027. Funding for any programs that previously received one-time allocations (regardless of fund source) will end unless the Legislature passes a budget with new funding for those programs. **For any programs that were previously funded on a one-time basis based on Council recommendations, the**

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398. TTY users can dial 711.

Council has an opportunity to recommend they be funded in the upcoming biennial budget with any necessary changes to the budget proviso language to ensure successful implementation.

The Council's Budget Committee has been meeting since early May with the goal of identifying 2025-2027 biennial budget proposals for the full Council's consideration. Since May, the committee has met five times and has accomplished the following:

- Discussed lessons learned from past sessions, including the importance of providing detailed rationale for why the budget recommendations are needed and crafting detailed recommendations that are as specific as possible.
- Reviewed previous Council recommendations that were funded and collected information to learn about the status of those programs, if they needed funding in the next biennial budget, and if the implementing agencies anticipated submitting decision packages (budget requests) for the upcoming session. From this list, the Budget Committee anticipates making recommendations to the full Council outlining: (1) those which will require a specific budget recommendation from the Council, (2) those in which the Council may wish to endorse an agency decision package, and (3) those that will not require Council action this year.
- Reviewed and discussed potential new budget proposals including recommendations that were adopted previously by the Council but were not funded, previous proposals from last year that were tabled, and new budget concepts submitted by Council members this year (many of which originated from input received at the Council's community meetings in May).

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398. TTY users can dial 711.

Next steps for the Budget Committee include continuing to review new proposals to determine which to work up in detail and submit to the Council for consideration at the September meeting. The Budget Committee has also requested that the Tribal Representatives review and provide feedback on three budget proposals that would have a direct impact on Tribes. The Budget Committee has not yet had an opportunity to consider what recommendations the Council should make if the CCA is repealed—this will be a conversation for future committee meetings. Once the Budget Committee has identified the proposals that it intends to submit to the full Council for consideration, staff will schedule one-on-one meetings with members to brief them on the proposals, as has been done in the past.

Discussion:

During today's meeting, the Council will receive an update on the Budget Committee's work as outlined in this memo and have an opportunity to ask questions and provide input to the Budget Committee.

Staff Contact:

Christy Hoff, Policy Advisor, Christy.Hoff@ejc.wa.gov, 360-688-4699.

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398. TTY users can dial 711.

Environmental Justice Council

Date: July 25, 2024

To: Environmental Justice Council Members

From: Rowena Pineda, Environmental Justice and HEAL Interagency Workgroup Section Manager; Dana Myers, Environmental Justice Advisor

Subject: Update on Environmental Justice Assessments

Background and Summary:

Beginning July 1, 2023, HEAL agencies are required to conduct Environmental Justice (EJ) Assessments on Significant Agency Actions.

To review per [RCW 70A.02.010\(12\)](#) of the HEAL Act, Significant Agency Actions are:

- a) The development and adoption of significant legislative rules as defined in [RCW 34.05.328](#);
- b) The development and adoption of any new grant or loan program that a covered agency is explicitly authorized or required by statute to carry out;
- c) A capital project, grant, or loan award by a covered agency of at least \$12,000,000 or a transportation project, grant, or loan by a covered agency of at least \$15,000,000;
- d) The submission of agency request legislation to the office of the governor or the office of financial management for approval; and
- e) Any other agency actions deemed significant by a covered agency consistent with [RCW 70A.02.060](#).

Environmental Justice Assessments process requirements include:

- Where applicable, use cumulative environmental health impact analysis, such as the Environmental Health Disparities Map or other data that considers the effects of a proposed action on overburdened communities and vulnerable populations;
- Identify overburdened communities and vulnerable populations who are expected to be affected by the proposed action and the potential environmental and health impacts;

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398. TTY users can dial 711.

- Under the consultation process in [70A.02.100](#), identify if the proposed action is expected to have any local or regional impacts to federally reserved Tribal rights and resources including, but not limited to, those protected by treaty, executive order, or federal law;
- Summarize community input and describe how the covered agency can further involve overburdened communities, vulnerable populations, affected Tribes, and Indigenous populations in development of the proposed action;
- Describe options for the agency to reduce, mitigate, or eliminate identified probable impacts on overburdened communities and vulnerable populations, or provide a justification for not reducing, mitigating, or eliminating identified probable impacts.

Update:

The Council's Environmental Justice Assessment (EJA) Committee and the HEAL Interagency Work Group's (IAWG) EJA Subcommittee have met jointly to have a conversation on how EJAs are progressing as well as identify barriers agencies have encountered. The Council's EJA Committee requested agencies respond to a few questions to provide them with context. The Council will receive the following meeting materials:

1. A one-page, high-level summary of the agencies' responses focusing primarily on areas that the Council's EJA Subcommittee identified as important to the Council ([page 48](#) of this meeting packet).
2. A detailed compilation of responses staff received from the agencies (to be posted as supplemental materials for today's meeting on the Council's [website](#) once ready).

Discussion:

The following are recommendations for discussion:

1. The Council's EJA Committee and the IAWG's EJA Subcommittee continue their joint meetings to develop high level guidance on environmental justice assessments.

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398. TTY users can dial 711.

2. Include in the EJC's budget recommendations funding for community engagement for each HEAL agency (note: HEAL Agencies can also submit decision-packages [budget requests] to the Office of Financial Management that the Council can endorse).
3. Collaborate on efficiencies regarding community engagement.

Staff Contact

Rowena Pineda, EJ and IAWG Section Manager, rowena.pineda@ejc.wa.gov, 360.584.4197

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398. TTY users can dial 711.

Attachment 1: Summary

Update on Environmental Justice Assessments

July 25, 2024

Per the HEAL Act, HEAL agencies started doing Environmental Justice Assessments (EJAs) on July 1, 2023. The Council's EJA Committee reconvened in May and had since met jointly with the Interagency Workgroup's (IAWG) EJA Subcommittee. These meetings provided an opportunity for Council members to get an update on EJAs as well as learn from agencies about how implementation is proceeding. The below summary focuses on items that the Council's EJA Committee felt are important to the Council.

Use of EJAs to move/not move forward with a significant agency action

The threshold criteria for agencies to either move forward or not move forward with a significant agency action generated discussion. Agencies talked about using what is in the HEAL Act to determine whether or not to do an EJA for a significant agency action (please see section in the Memo titled Environmental Justice Assessments process requirements).

Council Members were curious if and when an EJA could alter the course of a significant agency action. Agencies shared that there are several considerations that impact decisions. For example, transportation projects require an EJA. However, an EJA cannot stop a project that has been mandated from moving forward. An EJA is used to inform and aid a process, to mitigate harm, and to advance benefits when possible. Agencies did note that there may be significant agency actions where a course correction can happen as a result of an EJA, such as agency request legislation.

How can the EJC support agencies?

Agencies identified areas where support from the EJC will be helpful:

- Through whatever mechanisms are available to the Council, enhance legislators' understanding of how much time and resources are required to implement agency actions and activities.
- Reinforce the need to approve and provide funding for community engagement activities and staffing.

Environmental Justice Council

Date: July 25, 2024

To: Environmental Justice Council Members

From: Rowena Pineda, Environmental Justice and HEAL Interagency Workgroup Section Manager; Dana Myers, Environmental Justice Advisor

Subject: Agency Strategic Plans

Background and Summary:

Under [RCW 70A.02.040](#) of the HEAL Act, by January 1, 2023, each HEAL covered agency was required to include an environmental justice implementation plan within its strategic plan. The plan must describe how the covered agency plans to apply the principles of environmental justice to the agency's activities and must guide the agency in its implementation of its obligations under the HEAL Act.

In its implementation plan, each covered agency must include:

- Agency-specific goals and actions to reduce environmental and health disparities and for otherwise achieving environmental justice in the agency's programs;
- Metrics to track and measure accomplishments of the agency goals and actions;
- Methods to embed equitable community engagement with, and equitable participation from, members of the public into agency practices for soliciting and receiving public comments;
- Strategies to ensure compliance with existing federal and state laws and policies relating to environmental justice, including Title VI of the Civil Rights act of 1964, 42 U.S.C. Sec. 2000d-2000d-4, Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681-1683, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 794, and the Age Discrimination Act of 1975, 42 U.S.C. Sec. 6101-6107;
- The plan for community engagement required under RCW [70A.02.050](#); and

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398. TTY users can dial 711.

- Specific plans and timelines for incorporating environmental justice considerations into agency activities as required under this chapter.

In developing and updating its plan, each covered agency must consider any guidance developed by the council.

Discussion:

Each HEAL covered agency posted their strategic and implementation plans in January of 2023. As we look forward to the next iteration of agency strategic plans, it would be helpful to begin a discussion on:

1. What does guidance from the Council look like?
2. What is the process we should follow for developing guidance? Should we convene a committee focused on this? Should it be a collaborative effort with the HEAL Interagency Workgoup?

Staff Contact

Rowena Pineda, Environmental Justice and HEAL Interagency Workgoup Section Manager,
rowena.pineda@ejc.wa.gov, 360.584.4197

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398. TTY users can dial 711.

Written Public Comments

The following section of the meeting packet includes written public comments submitted to the Council that do not necessarily reflect the positions or values of the Environmental Justice Council.

No one but each Tribe can speak for the Tribe and the Council is committed to their Tribal sovereignty.

From: john worthington
Sent: Thursday, May 23, 2024 8:00 PM
To: DOH EPH OEPHS Environmental Justice <envjustice@ejc.wa.gov>
Subject: Public comments

External Email

<https://studio.youtube.com/video/cN4FeVukxhM/edit>

[YouTube](#)

Share your videos with friends, family, and the world.
studio.youtube.com

From: john worthington
Sent: Thursday, May 23, 2024 8:01 PM
To: DOH EPH OEPHS Environmental Justice <envjustice@ejc.wa.gov>
Subject: Public comments

External Email

<https://studio.youtube.com/video/gkZhxUHfjWA/edit>



Virus-free. www.avg.com