

Adopted 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

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.

Running-Grass	EJ Practitioner	Absent
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	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.

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.

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 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

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.

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

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* (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

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.

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
Faaluaaina 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

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 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

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.

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.