



Environmental Justice Assessment Checklist

COVER SHEET

An environmental justice assessment (EJA) is an opportunity to assess the potential environmental justice impacts of an agency action. Developed in collaboration with the HEAL Interagency Workgroup and the Environmental Justice Council, this checklist is designed to meet the environmental justice assessment requirements established under Washington’s [Healthy Environment for All \(HEAL\) Act](#). Each agency mandated within the HEAL Act has a version of this template with an accompanying guidance document to specifically address individual agency needs and processes.

1. Primary agency staff contact(s)	Krosbie.carter@dnr.wa.gov
2. Secondary agency contact(s), if applicable	Csenka Favorini- Csorba- Csenka.fc@dnr.wa.gov
3. Description of proposed significant agency action (SAA)	<p>This Agency Request Legislation adds a new section to RCW 82.29A to create a leasehold excise tax (LET) exemption for leases on public land used for the placement of newly constructed affordable housing. Currently, the LET fee is 12.84% of the lease rate. This exemption is intended to incentivize developers to build affordable housing on leased DNR land.</p> <p>The exemption applies to the land and the length of exemption depends on the following conditions: A 12-year LET exemption if the lessee commits to renting or selling at least 20% of units as affordable to low and moderate-income households; A 20-year LET exemption if the lessee commits to renting or selling at least 25% of units as affordable to low and moderate-income households.</p>
4. Date EJA was initiated	TBD



<p>5. Type of SAA (check all that apply)</p>	<p><input type="checkbox"/> The development and adoption of significant legislative rules as defined in RCW 34.05.328.</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> 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.</p> <p><input checked="" type="checkbox"/> The submission of agency request legislation to the office of the governor or the office of financial management for approval.</p> <p><input type="checkbox"/> Programs requiring the labor of vulnerable and/or incarcerated populations.</p> <p><input type="checkbox"/> Any other agency actions deemed significant by a covered agency consistent with RCW 70A.02.060, if so, please name: Click or tap here to enter text.</p>
<p>6. Link(s) to initial notification with Office of Financial Management and/or other postings, such as publicly available results, materials, or reports related to the assessment.</p>	<p>Click or tap here to enter text. TBD</p>

Environmental Justice Assessment Checklist

HOW TO USE THIS DOCUMENT

This checklist is intended to guide staff and provide structure for reporting the outcomes of an environmental justice assessment. For more detailed guidance on how to complete each section of this template, see the Environmental Justice Assessment Guidance Document. For detailed guidance on how to engage with tribal governments and tribal communities, see [DNR’s Tribal Government Consultation Policy](#).

Section 1: Significant Agency Action Description

1. Describe the significant agency action (SAA) in 3-5 sentences.

This Agency Request Legislation adds a new section to RCW 82.29A to create a new leasehold excise tax (LET) exemption for leases on public land used for the placement of affordable



housing. Currently, the LET fee is 12.84% of the lease rate. This exemption is intended to incentivize developers to build affordable housing on leased DNR land.

The exemption applies to the land and the length of exemption depends on the following conditions: A 12-year LET exemption if the lessee commits to renting or selling at least 20% of units as affordable to low and moderate-income households; A 20-year LET exemption if the lessee commits to renting or selling at least 25% of units as affordable to low and moderate-income households.

Section 2: Identify Overburdened Communities and Vulnerable Populations

1. Describe the geographic area(s) where there may be environmental and health impacts as a result of the agency action.

The specific geographic areas are unknown at this time, as the ARL is proposing a tax exemption that could be applied to future sites of affordable housing; however no specific site is currently identified. The exemption would apply to Public Lands as defined in RCW 79.02.010 and applies only to specific DNR land, and as such, be located primarily in urbanized areas already surrounded by residential and urban development and in close proximity to infrastructure and transit services. These Public Lands are located throughout the State with no specific geographic boundary.

2. Describe overburdened communities identified within the geographic area(s) where there may be environmental and health impacts as a result of the agency action. For a definition of 'overburdened communities' see Chapter [70A.02.010](#) RCW Section 11.

As no specific geographic areas have been identified, DNR is unable to identify specific overburdened communities that may have environmental or health impacts as a result of this ARL.

3. Describe vulnerable populations identified within the geographic area(s) where there may be environmental and health impacts as a result of the agency action. For a definition of 'vulnerable populations' see Chapter [70A.02.010](#) RCW Section 14 (a) and (b).

As no specific geographic areas have been identified, DNR is unable to identify specific vulnerable populations that may have environmental or health impacts as a result of this ARL.

Section 3: Analyze Environmental Benefits and Harms



1. Describe likely environmental **benefits** for overburdened communities, vulnerable populations, and Tribes associated with this action. For a definition of ‘environmental benefits’ see Chapter [70A.02.010](#) RCW Section 4(a)-(c).

By incentivizing new affordable housing in existing residential areas, this ARL may promote needed infill and preserve more rural land and habitat from development and reduce environmental harms such as increased pollution and traffic to rural communities. Additionally, by locating new affordable housing in existing urbanized areas, adverse socioeconomic factors such as high housing costs and transportation costs may be reduced. However specific harms are unknown, as no exact site or geographic area has been identified.

2. Describe likely environmental **harms** for overburdened communities, vulnerable populations, and Tribes associated with this action. For a definition of ‘environmental harms’ see Chapter [70A.02.010](#) RCW Section 5(a)-(d).

Environmental harms associated with this new tax exemption could result from the construction activities to build the new housing units. This would include the harvesting of timber on the site; increased water consumption in the area; increased transportation and emissions in the residential areas, resulting in reduced air quality or pollution. However specific harms are unknown, as no exact site or geographic area has been identified.

3. Describe likely associated **positive** health impacts for overburdened communities, vulnerable populations, and Tribes associated with this action.

The positive health impacts of this ARL would be associated with the reduction of adverse socioeconomic factors, such as an increase in affordable housing supply; reduced transportation costs; closer proximity to services and jobs; increased access to food, health care and schools. Additionally, there are numerous physical health benefits associated with new construction vs. older current affordable housing stock, such as stricter building and energy codes. Poor housing quality and inadequate conditions — such as the presence of lead, mold, or asbestos, poor air quality, and overcrowding — can contribute to negative health outcomes, including chronic disease such as asthma, cancer, high blood pressure and low birth weight.

4. Describe likely associated **negative** health impacts for overburdened communities, vulnerable populations, and Tribes associated with this action.

Likely negative health impacts associated with this ARL would be due to the environmental impacts of housing development and construction, such as air pollution, drinking water impacts, noise and traffic congestion, and the corresponding physical health impacts on those living in the vicinity. Additionally, by exempting these developments for a specified number of years, the local beneficiaries of this tax could be negatively impacted due to the loss of



potential revenue, and could include adverse health impacts as a result. The impact to these beneficiaries is unknown, as the exact amount of the LET would not be determined until a site and lease rate are identified.

Section 4: Tribal Consultation and Engagement of Indian Country

1. Summarize Tribal engagements and invitations for Tribal consultation to date.

Since the geographic areas for this ARL are yet to be determined, Tribes have not been engaged nor invited for consultation.

2. Describe likely impacts to Tribal rights and resources associated with this action.

Likely impact to Tribal rights is unknown, as there is no specific site or Geographic Area identified. However, impacts to Tribal rights and land access should be considered.

3. Describe any plans for ongoing and/or future Tribal consultation.

DNR will formally invite Tribes to provide feedback on all the Agency Request Legislation for the upcoming legislative session. Comments will be received through an online portal and may be directed to individual DNR staff members, as well. As is standard for any DNR lease, Tribes would be notified prior to any development on a site along with the local community and other jurisdictions.

4. Summarize other engagement and feedback from Indian Country.

No formal engagement has been conducted yet.

Section 5: Community Engagement Summary

1. Summarize engagement with people from overburdened communities and vulnerable populations to date.

Since the geographic areas for this proposal are yet to be determined, overburdened communities and vulnerable populations have not been engaged.



2. Summarize information received from people from overburdened communities and vulnerable populations.

No formal engagement has been conducted yet nor information received.

3. Summarize how information received from people from overburdened communities and vulnerable populations informed decision-making about this action.

No formal engagement has been conducted yet nor information received.

4. Describe plans for ongoing engagement with people from overburdened communities and vulnerable populations.

The purpose of this tax exemption is to provide housing for low-and-moderate income households, many of which include people from overburdened communities and vulnerable populations. Any formal contract for housing development would include agencies that represent these communities and support inclusion of their voices and lived experience in the creation of the housing units.

Section 6: Strategies to Address Environmental Harms and Equitably Distribute Environmental Benefits

1. Which of the following approaches will the agency pursue to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits (check all that apply):

- Eliminating the disparate impact of environmental harms on overburdened communities and vulnerable populations.
- Reducing cumulative environmental health impacts on overburdened communities or vulnerable populations.
- Preventing the action from adding to the cumulative environmental health impacts on overburdened communities or vulnerable populations.
- Providing equitable participation and meaningful engagement of vulnerable populations and overburdened communities in the development of the significant agency action.
- Prioritizing equitable distribution of resources and benefits to overburdened communities.
- Promoting positive workforce and job outcomes for overburdened communities.
- Meeting community needs identified by the affected overburdened community.



- Modifying substantive regulatory or policy requirements.
- Any other mitigation techniques, including those suggested by the Environmental Justice Council, the Office of Equity, or representatives of overburdened communities and vulnerable populations.

2. Briefly describe the proposed action DNR will take for each approach selected in **Section 6, Question 1.**

For the three identified approaches, DNR will work with agencies and developers that represent overburdened and vulnerable populations in their local communities to build and provide the affordable housing. Nonprofit partnership and engagement would be necessary for any housing development to meet the requirements proposed in the ARL.

3. Describe additional options the agency has to eliminate, reduce, and/or mitigate harms and equitably distribute benefits.

To reduce, eliminate or mitigate harms, the agency can explore environmentally friendly building partners to ensure future housing developments meet green building standards, when allowable and feasible. Additionally, there are many other DNR sites throughout the State that could be eligible for this new LET exemption and affordable housing development. DNR can work to ensure these new projects are identified throughout the state to ensure equitable distribution of benefits.

4. Describe how any environmental benefits will be equitably distributed and the resulting cumulative impacts of the proposed action.

To equitably distribute benefits of this proposed action, the agency can explore environmentally friendly building partners to ensure future housing developments meet green building standards, when allowable and feasible. Additionally, there are many other DNR sites throughout the State that could be eligible for this new LET exemption and affordable housing development. DNR can work to ensure these new projects are identified throughout the state to ensure equitable distribution of benefits.

5. In the absence of ability or authority, to fully eliminate, reduce, or mitigate environmental harms caused by the significant agency action, or does not address the equitable distribution of environmental benefits, provide an explanation.

While DNR cannot fully eliminate or identify all possible harms caused by this ARL, the agency is committed to ensuring extensive community input and partnership in order to equitably build and provide affordable housing on lease public land.



Thank you for participating in this assessment and for your ongoing work toward equity and environmental justice at Department of Natural Resources. The final version of this document will be posted to the [Office of Equity & Environmental Justice page](#).