



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.

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3. Description of proposed significant agency action (SAA)	Revising RCW 79.13 to allow for DNR to lease assets as well as land and modernize publication/advertisement language.
4. Date EJA was initiated	12/8/2023
5. Type of SAA (check all that apply)	<input type="checkbox"/> The development and adoption of significant legislative rules as defined in RCW 34.05.328 . <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. <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. <input checked="" type="checkbox"/> The submission of agency request legislation to the office of the governor or the office of financial management for approval. <input type="checkbox"/> Programs requiring the labor of vulnerable and/or incarcerated populations. <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.
6. Link(s) to initial notification with Office of Financial Management and/or other postings, such as publicly available results,	Click or tap here to enter text.



materials, or reports related to the assessment.	
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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.

DNR is proposing to adjust language in RCW 79.13 that would allow DNR the option of leasing other trust assets in addition to leasing land. DNR is currently limited in revenue it can generate for its trust beneficiaries as any leasing activity needs to be tied to land. For example, DNR's water rights portfolio is estimated at almost a \$1 billion value. DNR would be able to increase revenue and more effectively manage its water rights if they could be leased separately from the land when there is excess water available. In addition, DNR also has equipment, personal property assets that could generate additional revenue as well if allowed to be leased separately. Finally, DNR is proposing a couple of minor changes to its publication and noticing requirements for leasing to also allow the option of advertising online or as DNR determines is appropriate.

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.

DNR's assets are spread across the entire state. However, a majority of the agency's agricultural assets and water rights are located east of the Cascades and many are located in rural areas or communities. Publications and advertising occur across the state but again, a majority are located east of the Cascades.
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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.



A majority of the east side of Washington state has multiple socioeconomic factors contributing to environmental harms and health impacts. The two largest contributors appear to be race/ethnicity and ACS (limited English) as well as a third which is proximity to risk management plan facilities (RMP) particularly in the SE corner of the state. In addition, there are 4 federally recognized Tribes on the east side of the state: Colville, Kalispell, Spokane, and Yakama and all are identified as disadvantaged communities and located in close proximity to DNR land and water rights.

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).

A larger proportion of population in these rural areas are defined as vulnerable particularly due to the rural nature of these communities and their reliance on climate and weather for healthy crop harvests. As climate change continues, potential negative impacts to local crops increase the likelihood of loss or impairment of traditional ecosystem functions supporting commodity crops. This coupled with a larger proportion of the population with limited English and racial/ethnic minorities exacerbates the disparity.

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).

If DNR is allowed, through the statutory changes proposed, to more effectively utilize its existing water rights they could be made available to a broader range of rural, Tribal, and farming communities. During drought conditions or changes to traditional or historic water sources, DNR water rights could beneficially impact these communities by allowing them to lease water from DNR. Drought conditions do significantly impact farming operations and crops and with continued pressures on limited water resources available to irrigate crops, these communities will continue to see declines in crop quality and economic health.

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).

More efficient and better management of DNR's water rights through the act of leasing this asset could result in the perception of reduced water resources for other water users. Actual impact based on leasing activity is difficult to quantify.



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

Economic improvement and stability (through the more efficient distribution and use of DNR's existing water rights) may lead to reduced unemployment, increased income improving opportunities for health and well-being including, but not limited to: less stress, improved schools, stronger businesses, healthier eating habits and more resilient communities and families.

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

Full utilization of DNR's existing water rights may be seen as removing ground and surface water from aquifers and streams/streams, thus negatively impacting rural communities' historic use of the land; however, DNR's water rights have been historically fully used, but many factors including increased irrigation efficiencies through new technology and techniques have culminated into water savings in some areas.

Section 4: Tribal Consultation and Engagement of Indian Country

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

Legislative team has communicated with Tribal lobbyists and representatives about the bill and has distributed bill drafts for review.

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

The proposed statutory changes to allow DNR to lease water and other assets would provide DNR the flexibility to use its existing water rights more effectively both on the conservation side as well as continuing to support its agricultural land asset. Tribes should see no impact to Tribal rights to hunt, fish or conduct other traditional Tribal activities.

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

The legislative team and staff will continue to communicate with the Tribes to address questions or concerns about the proposed changes to RCW 79.13 and will set up additional meetings to hear feedback and comments.

4. Summarize other engagement and feedback from Indian Country.

N/A



Section 5: Community Engagement Summary

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

No engagement has been completed at this time.

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

No information has been received at this time.

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

N/A.

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

No plan has been made at this time.

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.**

The cumulative environmental health impacts occurring due, in part, to climate change and increasingly frequent drought conditions, may be reduced if DNR is allowed flexibility in using existing, underutilized water rights and making those water rights accessible for agricultural use and farmers that need additional water for crop support. These water rights may also be leased and used for conservation purposes to support the natural environment. Distribution of DNR's water rights will be prioritized in areas of highest need and to protect DNR's water rights from relinquishment so these water rights can be utilized in perpetuity for the needs of the state.

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

N/A

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

Distribution of DNR's water rights will be prioritized in areas of highest need and to protect DNR's water rights from relinquishment so these water rights can be utilized in perpetuity for the needs of the state. A majority of DNR's agricultural lands and water rights are managed for the benefit of the Common School Trust and revenue is distributed throughout the state's K-12 school system for the benefit of all schools.

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.

N/A



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](#).