



# Environmental Justice Assessment Checklist

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## 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)	Agency Request Legislation to amend RCW 4.24.210, the Recreational Immunity Statute, to give DNR the authority to charge fees for recreation permits, issued for organized recreation or educational activities. If successful, this statutory authority will provide DNR the ability to develop a fee structure for recreation permits, which will allow the program to pursue administrative cost recovery, and will provide the certainty needed for the future development of an agency Commercial Recreation Policy.
4. Date EJA was initiated	12/8/2023



<p>5. Type of SAA (check all that apply)</p>	<p><input type="checkbox"/> The development and adoption of <b>significant legislative rules</b> as defined in <a href="#">RCW 34.05.328</a>.</p> <p><input type="checkbox"/> The development and adoption of any <b>new grant or loan program</b> that a covered agency is explicitly authorized or required by statute to carry out.</p> <p><input type="checkbox"/> A <b>capital project, grant, or loan award</b> by a covered agency of at least \$12,000,000 or a <b>transportation project, grant, or loan</b> by a covered agency of at least \$15,000,000.</p> <p><input checked="" type="checkbox"/> The submission of <b>agency request legislation</b> 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 <a href="#">RCW 70A.02.060</a>, if so, please name: <a href="#">Click or tap here to enter text</a>.</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>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.

Agency Request Legislation to amend RCW 4.24.210, the Recreational Immunity Statute, to give DNR the authority to charge fees for recreation permits, issued for organized recreation or educational activities. If successful, this statutory authority will provide DNR the ability to



develop a fee structure for recreation permits, which will allow the program to pursue administrative cost recovery, and will provide the certainty needed for the future development of an agency Commercial Recreation Policy.

## 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.

If successful, our request legislation will only provide the authority to charge fees for recreational permits, paving the way for a future statewide policy for commercial recreation management. There are no impacts to any specific communities.

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.

The scope of this agency request legislation is statewide, and only to obtain statutory authority to charge fees for recreation permits, no fee structure will be immediately developed without community input. Because of this limited scope, there are no environmental or health impacts to overburdened communities as a result of this specific request legislation.

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).

The scope of this agency request legislation is statewide, and only to obtain statutory authority to charge fees for recreation permits, no fee structure will be immediately developed without community input. Because of this limited scope, there are no environmental or health impacts to vulnerable populations as a result of this specific request legislation.

## 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).

The scope of this agency request legislation is only to obtain the statutory authority to charge fees for recreation permits. If successful, this would allow the Recreation Program to develop



a fee structure for permits with public and tribal input, and to eventually develop a commercial recreation policy. A statewide commercial recreation policy has the following potential benefits:

- Improved access to nature for overburdened communities and vulnerable populations
- Increased equity and transparency for the public to understand how permits are evaluated, approved, and denied.
- Reduced environmental impacts that may reduce tribes' ability to gather traditional food sources and engage in cultural and spiritual practices because of increased consistency in how permit applications are evaluated, and more staff capacity to do so.
- Reduced environmental impacts because of increased capacity to staff events.

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).

The scope of this agency request legislation is only to obtain the statutory authority to charge fees for recreation permits. If successful, this would allow the Recreation Program to develop a fee structure for permits with public and tribal input, and to eventually develop a commercial recreation policy. A statewide commercial recreation policy has the following potential harms:

- Increase in number of permitted events could impact tribal rights to harvest traditional food sources and engage in cultural and spiritual practices because of increased activities on DNR managed lands.

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

None that would be a specific outcome of this action.

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

None that would be a specific outcome of this action.

## **Section 4: Tribal Consultation and Engagement of Indian Country**

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



The Recreation Program has been deeply engaged with multiple tribal governments through the development of our Outdoor Access and Responsible Recreation Strategic Plan, as well as the Recreation Impacts Program, convened by the Governor’s Office. We have not engaged with any tribes specifically on this action yet.

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

The scope of this agency request legislation is only to obtain the statutory authority to charge fees for recreation permits. If successful, this would allow the Recreation Program to develop a fee structure for permits with public input, and to eventually develop a commercial recreation policy. A statewide commercial recreation policy has the following potential impacts to Tribal rights and resources:

- An increase in the number of permitted events could impact tribal rights to harvest traditional food sources and engage in cultural and spiritual practices because of increased activities on DNR managed lands.
- Potential increased revenue from future fees collected from permit applications may allow DNR to increase staffing for events and reduce environmental impacts

NOTE: Tribes and tribal members do not and will not require permits to practice reserved rights to hunt, fish, gather, or engage in cultural or spiritual practices on DNR managed lands.

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.

We will also continue intentional and frequent engagement with Tribal governments through the development of the Outdoor Access and Responsible Recreation Strategic Plan, and through participation in the Recreation Impacts Project. There is the potential for ongoing engagement with Tribes on legislative priorities through the Recreation Impacts Project. Both processes will inform future outreach with tribes about this action, as well as the development of a commercial recreation policy.

4. Summarize other engagement and feedback from Indian Country.

NA



## Section 5: Community Engagement Summary

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

The Recreation Program has not yet conducted specific outreach with overburdened communities or vulnerable populations regarding this action. If successful, we would do extensive outreach in the development of a fee structure for recreation permits, and the creation of a commercial recreation policy.

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

NA

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

NA

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

DNR will formally invite stakeholders 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. Stakeholders are also encouraged to participate in the legislative process through public comment and engagement with elected representatives.

If we are successful in getting this agency request legislation passed, we will complete a thorough outreach process with community members as we develop a fee structure and commercial recreation policy. We will look to our internal Environmental Justice Office for guidance on this work.

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

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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.**

Upon obtaining statutory authority to charge fees for recreation permits, the recreation program will conduct thorough outreach with tribes, stakeholders and community members to develop an equitable fee structure and clear and transparent commercial recreation policy with the goal to prevent any harms and maximize benefits as much as possible.

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

DNR's recreation program is actively involved in the development of a new initiative, the Discover Pass Donation Program, wherein state land managers have committed funding to provide free Discover Passes to community-based organizations, reducing barriers to accessing public lands. This program is being piloted during the 23-25 biennium. Groups who apply for Recreation Permits may be able to obtain Discover Passes through this program.

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

The ultimate goal of pursuing this statutory amendment is the development of a future statewide commercial recreation policy and supporting fee structure that will be applied



consistently statewide with community input. We anticipate a second, robust, Environmental Justice Assessment when we are closer to that process.

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.

NA

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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](#).