



ENVIRONMENTAL JUSTICE IMPLEMENTATION PLAN



WASHINGTON STATE DEPT OF
**NATURAL
RESOURCES**

HILARY S. FRANZ
COMMISSIONER OF PUBLIC LANDS

LETTER FROM THE COMMISSIONER OF PUBLIC LANDS



HILARY S. FRANZ

Commissioner of Public Lands

We are committed to making the Department of Natural Resources (DNR) a great place to work and serve Washington’s lands and communities. We know we must continue to innovate and evolve what it means to be public land stewards, with a focus on preserving and protecting our wonderful legacy of productive and beautiful lands and waters. Our commitment must also include robust action to address historic disparities, unequal access to benefits, and the voice of Washingtonians seeking to support our shared mission to manage, sustain, and protect the health and productivity of Washington’s lands and waters to meet the needs of present and future generations. That requires engaging meaningfully in the work of environmental justice. Environmental justice is the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, rules, and policies. This is central to DNR’s ability to deliver on our mission and a core component of my administration’s commitment to you.

The [Healthy Environment for All \(HEAL\) Act \(RCW 70A.02\)](#) directs our agency to infuse environmental justice into our decision-making processes, budgeting, and expenditures in meaningful and important ways. We are working hard to build the systems, practices, and policies to deliver on the promise of the HEAL Act and the aspirations of Washingtonians in addressing systemic environmental health disparities. We are deeply interested in your feedback on our initial plans; our success is only possible when informed by the people we serve. It is up to us—all of us—to ensure our public lands remain vibrant and cared-for. It is up to us to keep public lands public and invest in our natural resources to feed our bodies and inspire our souls.

Thank you for your interest, your time, and your energy.

In Service,

A handwritten signature in black ink, appearing to read "Hilary Franz".

HILARY S. FRANZ

Commissioner of Public Lands

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ENVIRONMENTAL JUSTICE AND THE HEAL ACT

The [Healthy Environment for All \(HEAL\) Act](#) was passed by the Washington state legislature in 2021. The bill created one of the most significant efforts from any state government to eliminate environmental health disparities (EHD) and infuse environmental justice (EJ) practices into state government programs and practices. The bill was supported by communities statewide and crafted to enshrine the participation and co-design of programs and policies across state government. It also more equitably distributes health and environmental benefits for overburdened communities, vulnerable populations, communities of color, and low-income communities through targeted assessments, investments, and screens conducted on state government programs at selected agencies. It is the first law in Washington to create a coordinated statewide approach to EJ.

Under the HEAL Act, the Department of Natural Resources (DNR) must incorporate EJ into our strategic plan, adopt a community engagement plan, conduct environmental justice assessments (EJA) on significant agency actions, incorporate EJ into budgeting and funding decisions, and offer tribal consultation on these obligations. These requirements are not optional and must be completed by aggressive deadlines set in statute, overseen with guidance from the Washington state [Environmental Justice Council \(EJC\)](#). Additionally, the HEAL Act requires DNR to include an Environmental Justice Implementation Plan describing how we will incorporate EJ principles into DNR's programs and policies. This plan will likely evolve pending tribal consultation, guidance from the EJC, funding provided by the legislature, and additional guidance from the Governor's office. We recognize the iterative spirit of the HEAL Act, which encourages learning, evaluation, and refinement of state government's work to best match community guidance. Our work is led by DNR's Office of Equity and Environmental Justice under the direction of the Office of the Commissioner of Public Lands, and the various external boards and commissions providing community guidance to the agency.

DNR is committed to expanding the participation of vulnerable populations and overburdened communities as we grow our EJ work. We recognize this won't happen overnight and DNR must build trust with communities for HEAL work to be authentic. This means our work is incomplete without robust input and accountability to the people across our state experiencing the deepest environmental health disparities and those furthest from the numerous benefits DNR provides Washingtonians. It also means that our deliverables are only complete with community consent and the authentic voices represented and accounted for in our outcomes.

We organized the sections below by statute obligation, including Strategic Planning, Community Engagement, Environmental Justice Assessments, and Budgeting and Funding. Tribal consultation, per [RCW 70A.02.110](#), is incorporated in each relevant obligation. Each section includes an implementation timeline with milestones for what we will do.

The Environmental Justice Implementation Plan will be updated every year to incorporate recommendations made by the interagency workgroup, agency leadership, the Environmental Justice Council, and the public. The plan is flexible to respond to the needs and contributions of tribal governments and communities most impacted by environmental health disparities.

For more information and updates on DNR's work on the HEAL Act, see the [DNR Environmental Justice webpage](#).

THE TRANSFORMATIONAL NATURE OF THE HEAL ACT

Since the HEAL Act was enacted, state agencies have created an interagency workgroup to work with the [Environmental Justice Council \(EJC\)](#). This workgroup is included by name in the HEAL Act to coordinate environmental justice (EJ) activities across the seven named agencies in the law. State agencies joining in mandatory compliance with this law include the Departments of Natural Resources, Health, Ecology, Agriculture, Commerce, Transportation, and the Puget Sound Partnership.

The HEAL Act requires the same expectations of each agency and centers public accountability and transparency. No agency is exempt from any activities in HEAL, but the implementation is at the discretion of each agency. Furthermore, there are additional agencies that participate in the interagency workgroup that are considered “opt-in” agencies that voluntarily comply such as the Attorney General’s Office and others that are “Listen and Learn” such as Washington Pollution Liability Insurance Agency. While no additional state agencies are required to join, many agencies participate and support the interagency workgroup’s operations regardless of status in a variety of capacities.

In July 2022, interagency workgroup agencies released a draft community engagement framework. The interagency workgroup will update it with guidance from the EJC, broader community guidance, and direction from tribes through the consultation process through 2024. In July 2023, agencies will develop and pilot an environmental justice assessment (EJA) process for significant agency actions (SAA) and use EJ principles in agency budgeting and funding decisions.

These concrete deliverables are catalysts for the transformation of state agency culture, policy, and practice around EJ. As agencies deliver products related to HEAL, there is significant internal change management activities occurring to embed and make permanent our commitment to EJ. DNR acknowledges that activities required by the HEAL Act are not comprehensive in addressing the fullest spectrum of EJ. The HEAL Act is one component of DNR’s EJ program and provides foundation for numerous programs in the agency. HEAL products set the foundation for future actions and compliance with HEAL, the Climate Commitment Act, and other laws related to EJ. Being an authentic and transparent partner with the public is essential to our success. The HEAL Act is deeply aligned with DNR’s mission, vision, and our commitment to equity and engagement. DNR cannot succeed in its responsibilities to beneficiaries, the public, and the future without a strong foundation built by our work on HEAL Act activities.

COMPLIANCE WITH FEDERAL ENVIRONMENTAL JUSTICE LAWS AND POLICIES

As an agency that receives federal funding, DNR is required to comply with several federal laws and policies that directly intersect with and relate to environmental justice (EJ). DNR is a highly matrixed organization and receives substantial federal dollars from a variety of programs and appropriations. These funds are allocated to DNR as grants, contracts, and often specific federal obligations. From wildland firefighting, forest resilience, natural disaster planning, and climate resilience, DNR leverages state and federal funds to keep Washington's public lands healthy for future generations and keep Washingtonians safe in the event of natural disasters. These funds also provide tangible impacts for Washingtonians in the form of pass-through grants and environmental benefit.

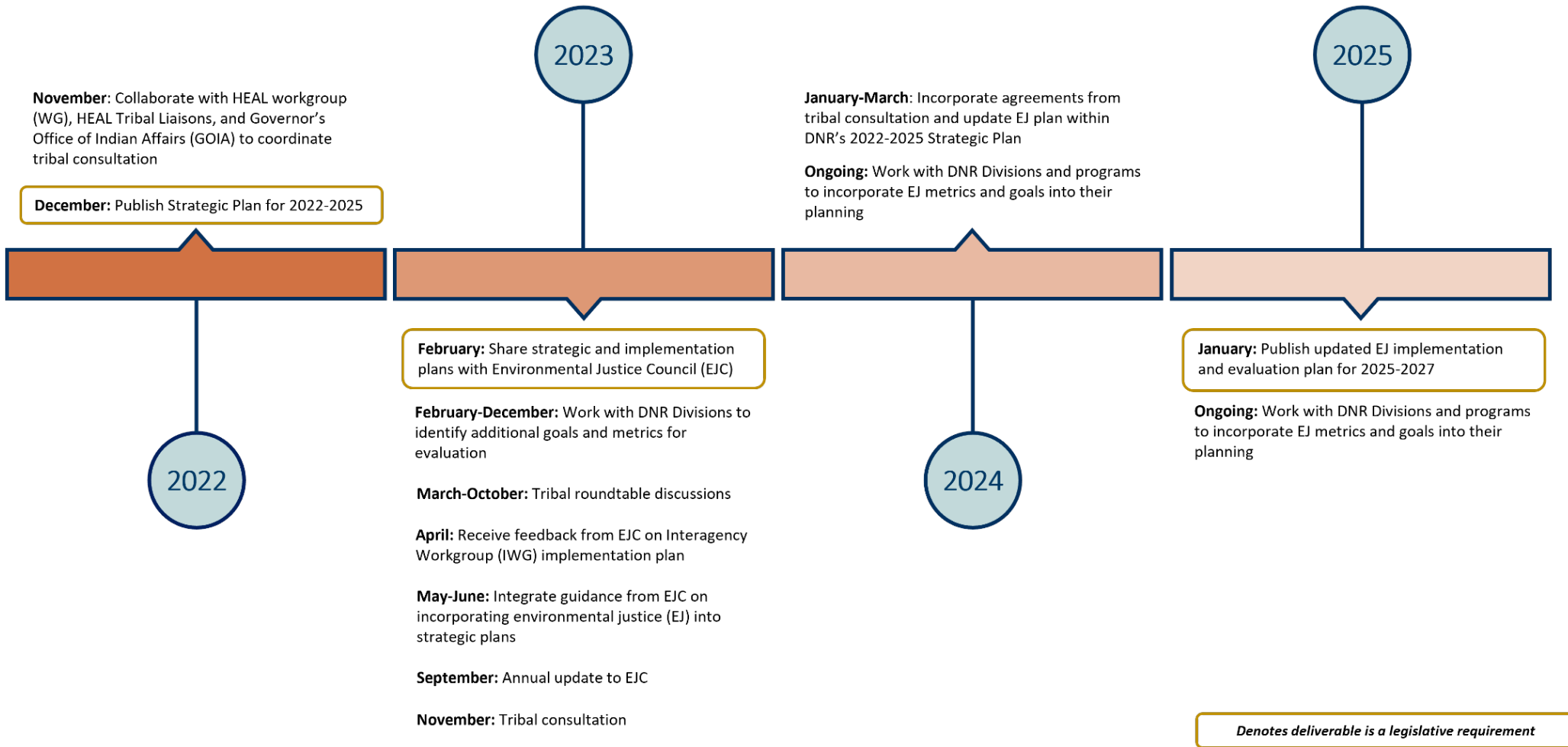
As with any organization or government accepting money from the US Government, DNR is required to adhere to a substantial body of laws and policies designed to prevent discrimination on the basis of identities and experiences such as disability, race, language, geography, sex, and age. This includes the [Americans with Disabilities Act of 1990 \(ADA\)](#), [Title VI of the Civil Rights Act of 1964](#), [Title IX of the Education Amendments of 1972, 20 U.S. Code 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](#). Compliance with these laws and associated reporting is available upon request and may be requested by contacting DNR's Grants Director in the Office of Equity and Environmental Justice at (360) 902-1000.

INCORPORATING ENVIRONMENTAL JUSTICE INTO AGENCY STRATEGIC PLANS

Strategic planning is an organization's process of defining its strategy, while guiding decisions on how it may allocate resources. Additionally, strategic planning informs the implementation of the strategy. The HEAL Act has a concrete ask of agencies regarding these plans and processes. DNR completes strategic plans roughly every 3 or 4 years. DNR's strategic plan outlines how we will embed environmental justice (EJ) practices into DNR management, operations, and processes. Beginning with DNR's [2022-2025 Strategic Plan](#), the agency committed to specific and measurable EJ goals in addition to prioritizing transparency and accountability to communities most impacted by environmental health disparities (EHD). This document complements the Strategic Plan in our specific steps to achieve goals set forth in therein.

DNR will update this Environmental Justice Implementation Plan regularly to reflect [Environmental Justice Council \(EJC\)](#) guidance when provided, progress and changes in implementation, and more specific, outcome-oriented goals and metrics as environmental justice assessment (EJA) and budgeting and funding activities after July 2023. The first DNR Strategic Plan compliant with the HEAL Act was released December 2022 and transmitted to the EJC in February 2023. The Environmental Justice Implementation Plan will be modified, at minimum, annually.

STRATEGIC PLAN TIMELINE



COMMUNITY ENGAGEMENT PLAN

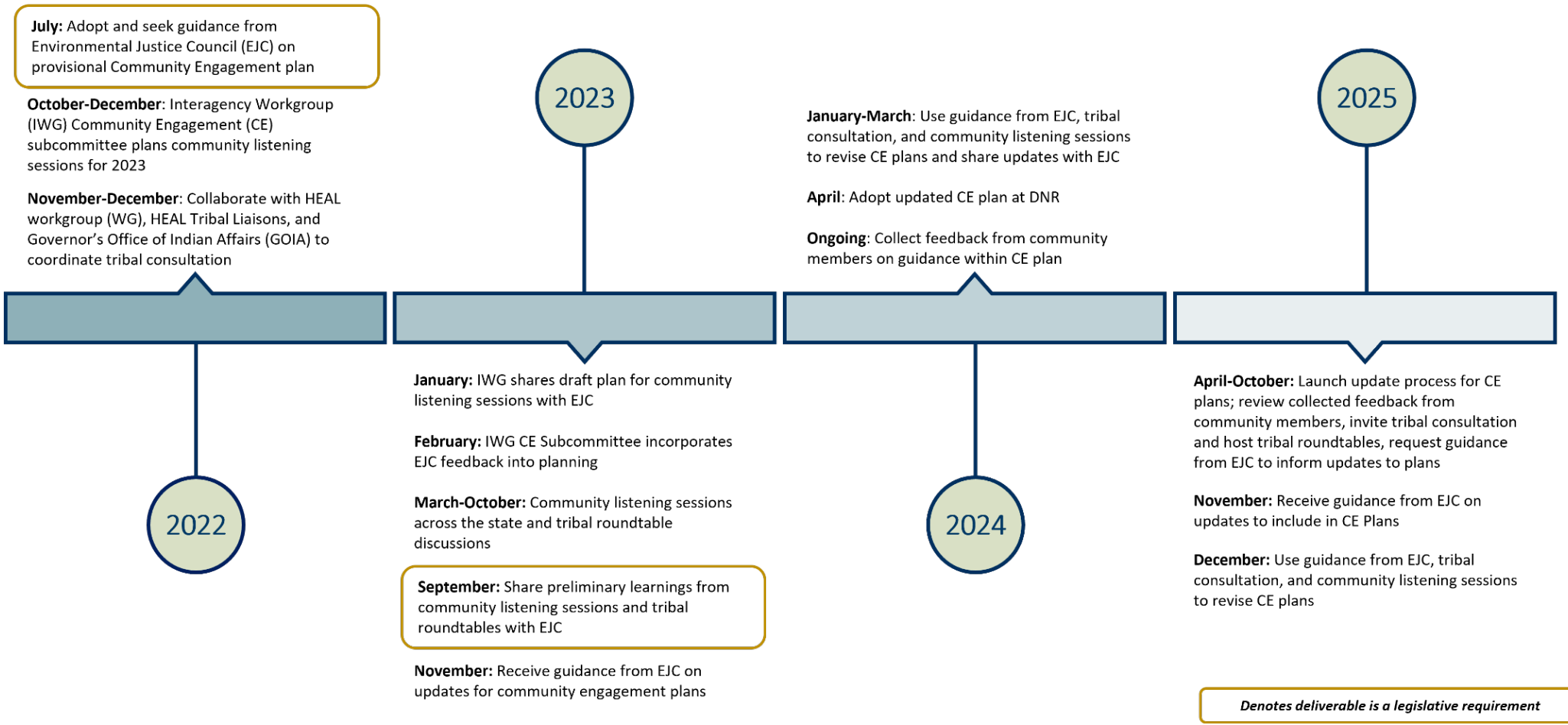
From September 2021 – June 2022, while waiting for the [Environmental Justice Council \(EJC\)](#) to be appointed and formalize, the interagency workgroup created a provisional community engagement plan to meet our statutory deadline of July 1, 2022.

The EJC did not hold its first meeting until April 2022 and was unable to give guidance ahead of the statutory deadline. This created a significant hurdle to authentic compliance with HEAL Act for every agency, including DNR. Without EJC guidance, DNR relied on its Community Steering Committee for guidance in the creation of that plan. The delay of the EJC in providing guidance on community engagement plans created the opportunity for the EJC to extend deadlines for covered agencies. The EJC supported agencies' request to adopt provisional community engagement plans until they could provide official guidance and feedback on core components and concepts they expected to evaluate within the plans. That way, HEAL agencies could fulfill their duty to the legislature and people of Washington in compliance with the law.

DNR adopted a [Provisional Community Engagement Plan](#) on July 1, 2022. Throughout the remainder of 2023, and as reflected in the implementation timeline, DNR and other HEAL agencies will hold community listening and feedback sessions. Agencies will also conduct tribal consultation that will be ongoing and at least through 2025. When provided, agencies will incorporate guidance from the EJC and tribal consultation process.

The Community Engagement Plan will evolve as our agency builds a relationship with the EJC and Washingtonians as environmental justice (EJ) is implemented across state agencies. In partnership with other HEAL agencies, DNR will update our Community Engagement Plan every two years. This will involve ongoing community partnership, tribal consultation, and collaboration with the EJC.

COMMUNITY ENGAGEMENT PLAN TIMELINE



ENVIRONMENTAL JUSTICE ASSESSMENTS

The heart of the HEAL Act is the process for identifying significant agency actions (SAA) and conducting environmental justice assessments (EJA) on those actions. Beginning in November 2022, DNR began the process of identifying current programs that meet the statutory definition of an SAA and identifying potential future actions that would launch prior to 2025. Like other agencies, DNR has adopted the statutory definitions of SAAs as:

- Agency rulemaking (also known as significant legislative rules, as defined in [RCW 34.05.328](#)).
- Adopting or developing new grant or loan programs; designing or awarding capital projects, grants, or loans of \$12 million or more, or a transportation project, grant, or loan of at least \$15 million.
- The submission of agency request legislation (legislation that DNR asks the legislature to pass).
- Any other agency actions deemed significant by a covered agency in iterative consultation with the [Environmental Justice Council \(EJC\)](#) and interagency workgroup established in the law.

As of July 1, 2023, DNR, like other state agencies, began the process of implementing EJAs on the first four of the SAA types. One additional item DNR is volunteering as significant is any program, that by design, requires the labor of vulnerable and/or incarcerated populations.

After each legislative session, DNR will continue to identify new programs, rules, grants, loans, and capital projects that meet the definition of a SAA. This will also be informed by community engagement and public comment to help identify additional actions, deemed significant, by the public. Our initial list is only a start, and the agency expects more actions to be identified and evaluated. We recognize the limits of existing capacity and are working to align internal systems with the urgency from community to address future significant actions.

Leading up to the July 2023 statutory deadline, DNR will work with the interagency workgroup to create a template for EJA. Each agency will be able to adapt the template as needed to fit its needs. Like our approach with community engagement plans, we will update the EJA process every two years to add community feedback on the process and include guidance from the EJC.

ENVIRONMENTAL JUSTICE ASSESSMENTS TIMELINE

2023

2024

2025

January: Identify DNR activities meeting statutory definition of a significant agency action (SAA)

January-February: Create initial process for environment justice assessments (EJA)

February: Engage Environmental Justice Council (EJC), seeking guidance on identified SAAs and processes for EJAs

March: Open list of SAAs for public comment

March-November: Hold community listening sessions across the state to help inform the EJA process

July:

- Publish on DNR website types of agency actions DNR considers SAAs which will require an EJA and provide notice to the Washington State Register
- Finalize first iteration of agency-specific guidance on how to conduct EJAs on relevant projects
- Begin conducting EJAs

July-December: Evaluate and improve EJA process internally

April-August: Identify other programs meeting statutory definition of SAAs, following the end of legislative session

September: Share findings in the annual report and solicit engagement from EJC

January-May: Repeat engagement processes above to assess the new expanded scope of SAAs

May-June: Ensure programs and projects affected by scope expansion have educational and training materials to prepare them to begin conducting EJAs

July: Launch EJA process for expanded scope SAAs

Ongoing: Evaluate and improve this process at least once every two years in collaboration with the Interagency Workgroup (IWG)

Denotes deliverable is a legislative requirement

BUDGETING AND FUNDING

Fulfilling this obligation requires planning and partnering with other HEAL agencies, agency financial services teams, and the Office of Financial Management (OFM). Perhaps the most audacious and logistically complex goal within the HEAL Act, this obligation fundamentally asks agencies to re-imagine how public dollars are allocated, spent, and prioritized to close environmental health disparities (EHDs) while investing in overburdened and vulnerable communities. This is a substantial shift from how agencies currently budget and track public funds.

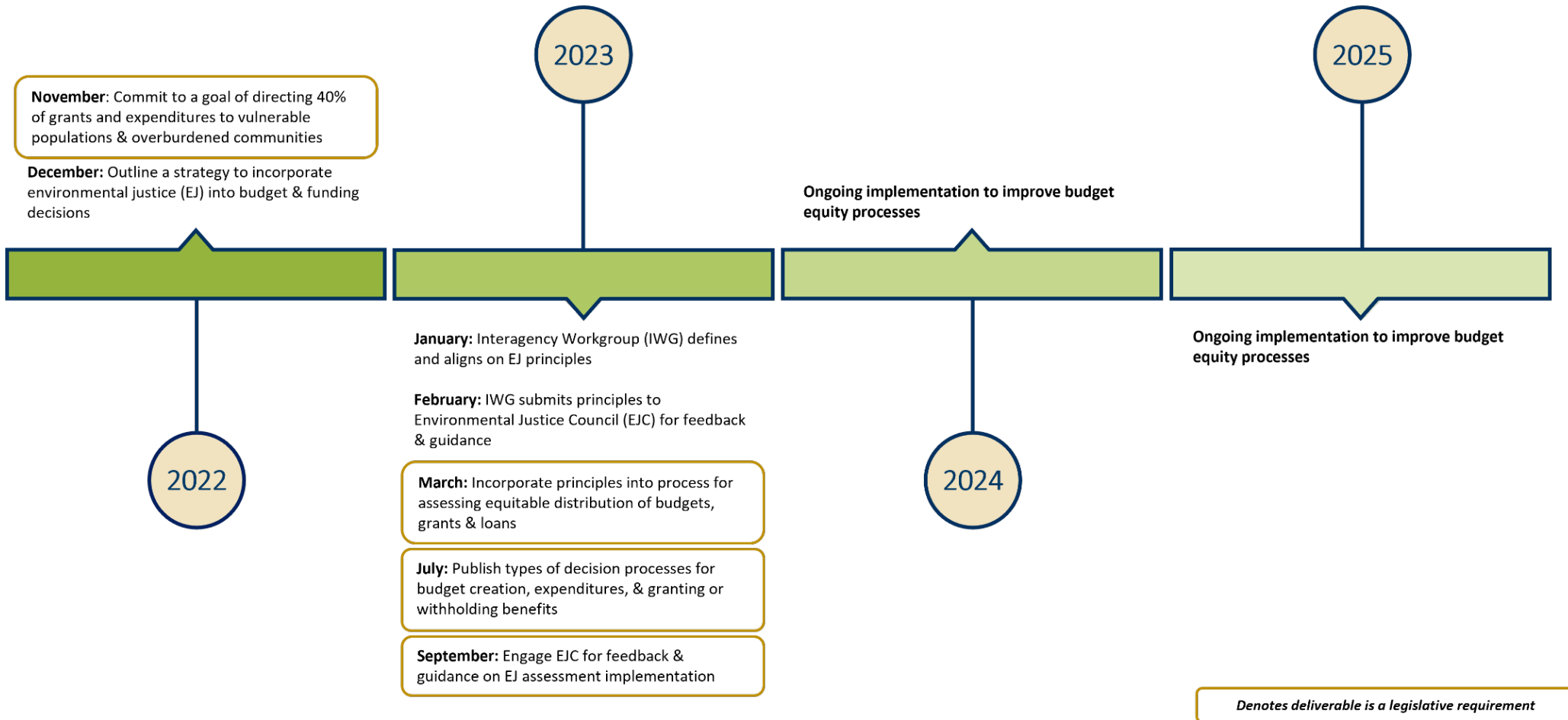
The implementation of HEAL goals into budget and funding decisions creates new opportunity and authority to ensure state resources are equitably distributed. Developing and implementing budget processes incorporating environmental justice (EJ) is an iterative process that will evolve as the agency learns more, and as the [Environmental Justice Council \(EJC\)](#) provides guidance. The types of decision processes the agency takes actions on will be updated as our practices mature, and more information becomes available.

Initial implementation budget and funding obligations will focus on budget decisions where DNR has discretion to direct or influence expenditures that may reduce or eliminate environmental harms, address environmental and health disparities for overburdened communities and vulnerable populations, and cultivate community resilience. DNR has identified the following types of decision processes to take action on, including:

- Budget development process: Formalizing budget requests to align with opportunities supporting EJ principles and identify ways to build community engagement into budget requests to the extent practicable.
- Community Grant Capacity Program: Emphasis on including EJ considerations into funding guidelines, supporting community partnerships with the agency for federal, state, and private funding by providing capacity to Community Based Organizations (CBOs) serving and led by overburdened communities and those facing EHDs.
- Commissioner order on community benefit: Making all programs incorporate the evaluation, investment, and design of environmental benefit at least 40% of overall cost.
- Evolved community engagement and public process: Make informed decisions that include local community input while following the state regulatory process with clear access for public input.

- Contract and procurement process: Follow state and agency policies and procedures, including supplier diversity policies and [Executive Order 22-01](#) to encourage and facilitate the purchase of goods and services from small, diverse, and or veteran-owned businesses to the maximum extent possible.
- Publish “How we invest in public lands” process: Create a tool on the DNR website for public education and feedback.

BUDGETING AND FUNDING TIMELINE



ENGAGING DNR'S ENVIRONMENTAL JUSTICE STEERING COMMITTEE

[RCW 70A.02.080\(2\)\(b\)](#) requires covered agencies to “create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions”. This requirement is extended by DNR with the creation of the Environmental Justice External Steering Committee (EJESC).

The agency relies on the EJESC to maintain reliable avenues to hold state agencies accountable to mandates within the HEAL Act and for information exchange and communication on issues of mutual concern. The EJESC has been operating since mid-2021 and played a central role in guiding DNR's [Provisional Community Engagement Plan](#) and the beginnings of DNR's environmental justice (EJ) programming spanning the entire agency. Moving forward, as the EJESC relaunches into a new phase of work, the EJESC's work will expand to include several new areas of collaboration. In addition to formalizing the structure of EJESC, the Commissioner of Public Lands will appoint members, the EJESC will begin holding regular meetings in late-2023, and meeting materials will be posted for public review.

The EJESC's expanded role is centered on building authentic communication and accountability with communities most impacted by environmental disparities. The EJESC's purpose as outlined in their charter is to:

- Create a forum wherein DNR receives feedback from and is directly responsive to external frontline community organizations and populations.
- Provide feedback and guidance on DNR programs, assessments, opportunities, and implementation of the HEAL Act on an agency-wide level.
- Elevate leadership and participation of communities most impacted and historically excluded in setting the vision, measures, assessing progress, and holding the state (and DNR) accountable to meeting its HEAL Act obligations.
- Assist DNR to directly resource community-based solutions in line with Justice40 and other guidance on EJ.
- Advise DNR's Office of Equity and Environmental Justice, DNR's Policy Director, DNR's Executive Leadership Team, and the Commissioner of Public Lands on issues related to EJ.

We have intentionally sought EJESC members to represent and be members of overburdened communities and vulnerable populations, such as Tribal members, Black Indigenous People of Color (BIPOC), workers, farmworkers, Lesbian Gay Bisexual Transgender Queer (LGBTQ), im/migrant workers, low-income, and people with disabilities. The EJESC will be facilitated by community and will be supported by DNR's leadership and staff. On an annual basis, the EJESC will be asked to provide a report to the Board of Natural Resources on the status of HEAL implementation and the EJ program within the agency.

ACRONYMS, KEY TERMS, AND DEFINITIONS

DNR adopted a common framework of acronyms, key terms, and definitions in alignment with the Puget Sound Partnership. As HEAL compliance work progresses, we anticipate refining these items with the Environmental Justice External Steering Committee (EJESC), agency staff, and the public.

Common Acronyms

EJ: Environmental justice

EJA: Environmental justice assessment

EJC: Environmental Justice Council

EJESC: Environmental Justice External Steering Committee

OFM: Office of Financial Management

SAA: Significant agency action

HEAL: Healthy Environments for All

EHD: Environmental health disparities

Key Terms and Definitions

Cumulative Environmental Health Impact: The combined, multiple environmental impacts and health impacts on a vulnerable population or overburdened community.

Decision Packages: Documents state agencies submit to the Governor’s Office and the Office of Financial Management (OFM) to request changes (usually increases) to their budgets. According to the [OFM website](#), decision packages are “the key set of building blocks to construct the [state agency] budget request. The decision package is the place for the agency to make a compelling and persuasive argument for any proposed changes [to the agency’s budget].”.

Environmental Benefit: Activities that:

- (a) Prevent or reduce existing environmental harms or associated risks that contribute significantly to cumulative environmental health impacts;
- (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 Exposures: Having contact with chemical, biological, or physical substances found in air, water, food, or soil that may have a harmful effect on a person's health. Examples of environmental exposures include UV radiation from the sun and cigarette smoke, radon, or other forms of air pollution. A person may also be exposed to harmful substances by swallowing food or water that is contaminated with bacteria or pesticides or by absorbing harmful chemicals through the skin. The amount of harm caused by an environmental exposure depends on the amount of the exposure, the way a person is exposed, and how long a person is exposed. According to the [National Cancer Institute](#), some types of environmental exposures may increase the risk of certain diseases, such as lung disease, heart disease, and cancer, and may also lead to birth defects.

Environmental Harm: Individual or cumulative 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.

Environmental Impacts: Environmental benefits or environmental harms, or the combination of environmental benefits and harms, resulting or expected to result from a proposed action.

Environmental Justice: The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, rules, and policies.

Environmental justice includes addressing disproportionate environmental health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities, the equitable distribution of resources and benefits, and eliminating harm.

Equitable Distribution: A fair and just, but not necessarily equal, allocation intended to mitigate disparities in benefits and burdens that are based on current conditions, including existing legacy and cumulative impacts, that are informed by cumulative environmental health impact analysis.

Executive Leadership Team: DNR’s management team that makes decisions related to agency-wide policy, planning, and strategy. Currently, the Leadership Team includes the Commissioner of Public Lands, Chief Operating Officer, Chief of Staff, Deputy Chief Operating Officer, Policy Director, Legislative Director, Director of Tribal Relations, State Forester, Director of WA Geological Survey, External Affairs & Community Engagement Director, General Counsel, Deputy Supervisor for Forest Resilience, Regulation and Aquatics, Deputy Supervisor for Uplands, Deputy Supervisor for Employee & Enterprise Services, Communications Director, Deputy Chief of Staff, Director of Equity and Environmental Justice, and the Special Assistant to the Commissioner of Public Lands.

Highly Impacted Communities: A community designated by the department of health based on cumulative impact analyses in [RCW 19.405.140](#) or a community located in census tracts that are fully or partially on "Indian country" as defined in [18 U.S.C. Sec. 1151](#). The department of health must develop a cumulative impact analysis to designate the communities highly impacted by fossil fuel pollution and climate change in Washington. The cumulative impact analysis may integrate with and build upon other concurrent cross-agency efforts in developing a cumulative impact analysis and population tracking resources used by the department of health and analysis performed by the University of Washington department of environmental and occupational health sciences.

Indian Country: [18 U.S.C. Sec. 1151](#) defines “Indian country” as, “(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.”.

Office of Equity and Environmental Justice (OEEJ): The Office of Equity and Environmental Justice was established in 2021 within the Office of the Commissioner of Public Lands at DNR. The Office holds responsibility for implementation of the

agency’s HEAL Act obligations as well as various other programs advancing equity within the DNR workforce and the communities DNR serves. The Office also manages the DNR Boards and Commissions Action Plan and coordinates all appointments to agency advisory bodies.

Office of Financial Management (OFM): According to the [OFM website](#), OFM’s role is to supply vital information, fiscal services, and policy support that the Governor, Legislature, and state agencies need to serve the people of Washington.

Overburdened Community: A geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in [RCW 19.405.020](#). The term “overburdened communities” also encompasses communities located in census tracts that are fully or partially on “Indian country” as defined in [18 U.S.C. Sec. 1151](#).

We expand on this definition with language developed by the Department of Health’s Community Advisory Committee for the Environmental Justice Community Participation Fund Grant’s Request for Applications. Within the definition of overburdened communities, we acknowledge that this disproportionate environmental impact has been created and continued by the effects of environmental racism, colonization, and discriminatory policy and practice, including redlining, failure to honor treaty rights, and the placement of polluting industry and hazardous waste sites in low-income communities of color and Indigenous communities. State government has too often excluded these communities from environmental decision-making, despite their rich perspectives, deep knowledge of environmental issues, and active resistance to unjust treatment. In recognition of these strengths, we affirm the need to center their leadership, lived experience, and perspectives in addressing environmental injustice and health disparities.

Professional Services Contract: A legally binding document that the agency uses to hire an independent contractor or consultant with specific qualifications and skills to perform a specialized, project-based service.

Significant Agency Action (SAA): “Actions that may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population.”

1. The development and adoption of significant legislative rules as defined in [RCW 34.05.328](#);
2. 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;

3. 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;
4. The submission of agency request legislation to the office of the governor or the OFM for approval (DNR is exempt from this as a separately elected agency); and
5. Any other agency actions deemed significant by a covered agency consistent with [RCW 70A.02.060](#).
 - a. Any program, that by design, requires the labor of vulnerable and/or incarcerated populations.

Tribal Lands: Has the same meaning as "Indian country" as provided in [18 U.S.C. Sec. 1151](#), and includes sacred sites, traditional cultural properties, burial grounds, and other tribal sites protected by federal or state law.

Vulnerable Populations: Population groups more likely to be at higher risk for poor health outcomes in response to environmental harms. Includes, but is not limited to:

- Racial or ethnic minorities;
- Low-income populations;
- Populations disproportionately impacted by environmental harms; and
- Populations of workers experiencing environmental harms.

Similar to the definition of "overburdened communities," we build on this definition with language from the Department of Health's Community Advisory Committee for the Environmental Justice Community Participation Fund Grant's Request for Applications. Within this definition of "vulnerable populations" we recognize the concentration of these "adverse socioeconomic factors" in low-income communities of color and Indigenous communities are rooted in ongoing systemic marginalization, erasure, exclusion, and structural racism. Without explicit recognition of the conditions causing these disparities, we risk putting the blame on impacted populations and communities, rather than larger systems of social inequity.

IMPLEMENTATION CONSIDERATIONS — OPPORTUNITIES AND CHALLENGES

The success of this plan depends on our ability to use its strengths to overcome challenges. Additional needs include:

- Staff capacity to support broader systems change, education, and support for DNR staff as we fulfill our obligations under HEAL. Environmental justice (EJ) requires a skilled workforce able to authentically engage the public, design programs, and measure outcomes in often new ways to achieve equity and justice goals.
- Resources and processes to support equitable and accessible community engagement. DNR will modernize its community engagement across Washington. With hundreds of programs spanning vastly diverse work products from real estate, forest protection, disaster management, and law enforcement, and more, DNR is unable to apply a “one program fits all” approach and our engagement must strive to be highly specialized.
- Increased and clarified coordination and guidance from the [Environmental Justice Council \(EJC\)](#). Delays from the EJC create uncertainty and have not allowed programs to design outcomes with consistent metrics based on their guidance. Increased recommendations and responsiveness from the EJC will produce better programs for Washington.
- Resources and a clear process to coordinate tribal consultation across multiple HEAL agencies. Tribal consultation is a resource and time intensive process that is under resourced across state government. HEAL mandates additional work that exceeds the capacity of the Governor’s Office of Indian Affairs as well as the offices of Tribal Affairs in the separately elected officials. Coordination is important and reduces the burden on tribal governments with multiple agencies seeking feedback and guidance.
- Standard definitions from the EJC of core HEAL concepts such as vulnerable, overburdened, environmental harm, etc., which has various interpretations across agencies based on past work. EJ has been enshrined in law in Washington state. However, many of the concepts and terms that underpin that framework have not and do not have common understanding. Alignment of concepts and terms is central to our collective success.

CONCLUSION

DNR is unique amongst HEAL agencies in the state government family. Unlike other agencies, DNR's historic reason for existence is to fund essential government operations and constitutional obligations. Prior to statehood, a cash-poor, land-rich federal government provided Washington with more than 3 million acres of land to build schools and other vital public institutions. Two square miles of every 36-square "township" were given to the state of Washington to generate revenue specifically for education. In 1957, the legislature created DNR to manage state trust lands for the people of Washington. Under the elected leadership of the Commissioner of Public Lands, DNR manages seven specific trusts to generate revenue and preserve forests, water, and habitat. DNR now manages 5.6 million acres of forest, range, agricultural, aquatic, and commercial lands for more than \$200 million in annual financial benefit for public schools, state institutions, and county services.

The passage of the HEAL Act in 2021 is a significant step toward transforming state agency policy and practice. It will further environmental justice (EJ) in Washington state. This Environmental Justice Implementation Plan outlines the path we will take to achieve the aims of the HEAL Act and monitor its progress in implementation. We will update this plan annually to add direction and feedback from tribal consultation, the [Environmental Justice Council \(EJC\)](#), community engagement, the legislature, and the Commissioner of Public Lands. Due to these obligations, and our increasingly diverse set of programs like commercial leasing, aquatics, agriculture, natural hazard mitigation and planning, geologic mapping, climate resilience, and more, DNR is perhaps the state agency with the broadest set of programs that preserve natural areas, provide recreation, and working lands to fund our state. DNR is committed to building an EJ program and HEAL compliance apparatus that is meaningful to Washingtonians and provides measurable progress in closing environmental disparities and more evenly distributing environmental benefit.

To learn more about implementation of the HEAL Act and EJ, please visit the [DNR Environmental Justice webpage](#).

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