



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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| 1. Primary agency staff contact(s) | Ana Shafer, Assistant State Geologist, WGS Assistant Director of Regulatory Programs ana.shafer@dnr.wa.gov |
| 2. Secondary agency contact(s), if applicable | |
| 3. Description of proposed significant agency action (SAA) | DNR Surface Mine Reclamation Program (SMRP) administers the Surface Mining Act (RCW 78.44), regulating the reclamation of over 850 surface mines across Washington state. Reclamation includes ensuring that when mining is complete, slopes on site are stable, storm water quantity and quality are similar in nature to pre-mining conditions, and the site is well-prepared for its designated subsequent use. SMRP is fully fee-funded and requires a fee increase in order to continue meeting its minimum regulatory legal requirements. The proposal will standardize permit application fees (all will cost \$4,500) and will increase annual permit fees for private and some public mines from \$2,000 to \$3,500. It will increase annual fees for public mines that use their sites for public works projects from \$0, \$1,000, or \$2,000 to \$2,500. |
| 4. Date EJA was initiated | 9/30/2024 |



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| <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:</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>N/A</p> |

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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 Surface Mine Reclamation Program (SMRP) is fully funded through collection of permit fees per RCW 78.44.085. The increased permit fees are necessary to for the Program to continue to meet minimum legal obligations required in administering the Surface Mining Act (RCW 78.44), which



involves the reclamation of surface mines across Washington state and bringing them to a productive secondary use by the time mining concludes. The Program provides technical assistance to miners to assist them in meeting their obligations to achieve stable slopes and appropriate water and vegetative conditions by the end of the life of the mine. DNR is proposing to standardize permit application fees at \$4,500 and increase the annual permit fee for private and some public mines from \$2,000 to \$3,500 and for public mines (local and state agencies with mines used for public works projects) from \$2,000 to \$2,500 (168 mine sites), from \$1,000 to \$2,500 (39 mine sites), or from \$0 to \$2,500 (6 mine sites).

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 scope of this Agency Request Legislation is statewide. There are no identified impacts to 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 permit-related fee increases will apply statewide and will affect permit holders, privately owned businesses and some local and state agencies. There are no environmental or health impacts to overburdened communities specific to this agency 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 permit-related fee increases will apply statewide and will affect permit holders, privately owned businesses and some local and state agencies. There are no environmental or health impacts to vulnerable populations specific to this agency 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 fee increase will fund the Program at a level sustainable for regulating the reclamation of surface mines, helping ensure that at the end of the life of the mine, the site is stable, stormwater and vegetative conditions are appropriate, and overall, the site is in a condition



appropriate for its approved secondary use, thus, increasing the potential for environmental benefits.

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).

By increasing permit-related fees, DNR is able to continue to maintain its minimum legal obligations in administering the Surface Mining Act, providing technical assistance to miners so that their surface mined sites achieve stable slopes, appropriate stormwater quantity and quality conditions, and that their condition is appropriate for their approved secondary use. Allowing these sites to linger on the landscape unreclaimed may allow for potentially hazardous conditions to develop and persist, such as unstable slopes and public safety issues, thus, increasing the potential for environmental harms.

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.

SMRP does not regulate surface mine reclamation on tribal land. As such, Tribes have not been consulted on this Significant Agency Action.

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

The reclamation permit fee increase is not expected to impact Tribal rights and resources. DNR does not expect an increase in the number of permitted mines as a result of this Significant Agency Action. When new mines are proposed or when existing permitted mines are proposing to expand their permit boundary or depth or revise their reclamation plan, these actions trigger SEPA environmental review, allowing Tribes and other interested parties on opportunity to review and provide comment.



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.

4. Summarize other engagement and feedback from Indian Country.

No formal engagement has been conducted.

Section 5: Community Engagement Summary

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

SMRP convened two meetings of a stakeholder group to solicit feedback and discussion about this fee increase proposal. The stakeholder group comprises a group of small and large mining company representatives and public agency representatives. These are permit holders who operate mines across the state. SMRP has not solicited feedback from people from overburdened communities and vulnerable populations.

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

No community engagement has been conducted.

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

No community engagement has been conducted.

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.

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.**

Successful implementation of this Significant Agency Action will mean that SMRP will continue to meet its minimum legal obligations in administering the Surface Mining Act (RCW 78.44). This results in regulatory presence at mine sites encouraging ongoing, segmental reclamation throughout the life of the mine resulting in the final reclamation of mined sites with stable slopes and water and vegetative conditions appropriate for a site's designated subsequent use. It will also reduce the likelihood for creation or persistence of hazardous conditions, such as unstable slopes, soil erosion and runoff, and public safety nuisances.



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

Through this agency action, SMRP will continue to provide all permit holders with technical assistance so that they may thoroughly reclaim sites as required by law, minimizing the potential for hazardous conditions existing as permit holders work toward completion of mining and final site reclamation.

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

DNR does not have decision-making authority about where mines are allowed to be permitted. Per RCW 78.44, that is up to each respective local jurisdiction.

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](#).