Environmental Justice Assessment

Step 1: EJA Cover Sheet

The information provided in this cover sheet will be used to submit public notification to the Office of Financial Management (OFM) that DNR has initiated an EJA. The cover sheet will be posted on DNR's external website of all ongoing and completed Environmental Justice Assessments; and on OFMs EJA Notification Dashboard. **Once you complete the cover sheet, please send it to envjustice@dnr.wa.gov so they can submit notification to OFM.**

EJA Cover Sheet/Background Information:	
1. Primary agency staff contact(s): Name, Title, Division/Region, email.	Kyle Lapham, Certified Burner Program Manager, Forest Resilience Division
2. Title of proposed significant agency action (SAA)	Prescribed Burn Managers as per RCW 76.04.183 Prescribed burn manager certification program—Rule-making authority
3. Short Summary of proposed SAA	WAC rulemaking to implement RCW 76.04.183, formalizing a program that has been operational for multiple years in practice
4. Date EJA was initiated	RCW 76.04.183 passed in the 2018 legislative session, rulemaking occurred 2026
5. Type of SAA ☒ The development and adoption of **significant legislative rules** as defined in RCW 34.05.328; ☐ The development and adoption of any **new grant or loan program** that DNR is explicitly authorized or required by statute to carry out; ☐ A **capital project, grant, or loan award** by DNR of at least $12,000,000 or a **transportation project, grant, or loan** by DNR of at least $15,000,000; ☐ The submission of **agency request legislation;** ☐ Any other agency actions deemed significant by DNR consistent with RCW 70A.02.060. If so, please name: Click or tap here to enter text.	
6. Link(s) to DNR website(s) with information about this proposed action or the program and opportunities for public comment. https://dnr.wa.gov/forest-resilience-division/prescribed-fire-program/certified-burner-program	

Step 2: Environmental Justice Assessment Template

Section 1: Significant Agency Action Description

"Significant agency action" (as defined in RCW 70A.02.010) means the following actions as identified at the beginning of a covered agency's consideration of the significant agency action or at the time when an environmental justice assessment would normally be initiated in conjunction with an agency action:

> (a) The development and adoption of significant legislative rules as defined in RCW 34.05.328;
>
> (b) 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;
>
> (c) 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;
>
> (d) The submission of agency request legislation to the office of the governor or the office of financial management for approval; and
>
> (e) Any other agency actions deemed significant by a covered agency consistent with RCW 70A.02.060.*
>
> *For the DNR this includes Sustainable Harvest Calculations

1. **Describe the significant agency action (SAA).** (RCW 70A.02.010(12))

This activity was to initiate and complete rulemaking for Prescribed Burn Managers as per RCW 76.04.183 Prescribed burn manager certification program—Rule-making authority.

The legislation that directed DNR to establish and administer this program passed in 2018, and the program has been operational for multiple years. The program's delivery is encompassed within our Forest Resilience Environmental Justice Implementation Plan, aiming to contribute to our goals for equitable access to services provided by the agency and empowering communities with the knowledge and certification this program provides to conduct prescribed burning. In 2026 after building the program and utilizing adaptive management to improve our processes, we initiated rulemaking under the authority granted in the RCW.

Although this is technically "significant legislative rulemaking per RCW 34.05.328, this rulemaking does not cause any environmental harms nor affect equitable distribution of benefits to an overburdened community or vulnerable population as is described in determining significance in RCW 70A.02.060 (2)(a) (The HEAL Act). Instead, this rulemaking simply allowed public engagement in a process to formally set rules to an existing program.

Section 2: Identify Overburdened Communities and Vulnerable Populations

Defining Overburdened Communities and Vulnerable Populations

Overburdened Community means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities. (RCW 70A.02.010(11))

Vulnerable Populations *Vulnerable population groups are those that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and sensitivity factors, such as low birth weight and higher rates of hospitalization.* (RCW 70A.02.010(14))

Vulnerable populations include, but are not limited to:

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

Tip: The Department of Health hosts the Environmental Health Disparities (EHD) Map. Use this map to help assess Overburdened Communities and Vulnerable Populations.

Identifying Overburdened Communities and Vulnerable Populations

Overburdened Communities and Vulnerable Populations can be identified by their cumulative EHD rank of 7 or higher. Additional resources for identifying impacted populations are found in Appendix B. If applicable, attach any relevant maps and graphics to the end of the assessment, and create a reference for them in the answer box.

Tip: In your description, list the known counties, cities, or communities that may be impacted by the action. If the action has a statewide impact, include that here. If available, include specific census tracts or descriptive characteristics of the area such as '*areas within a mile of DNR managed land'.* You will identify tribes and tribal impacts in section 4.

1. **Describe the Overburdened Communities where there may be environmental and health impacts because of the significant agency action.**

As stated above, the rulemaking process in 2026 does not have any specific impacts. It was a process we aimed to ensure equitable engagement in by the public.

The Certified Burner Program, as established in 2018 does operate mindful of environmental and health impacts to overburdened communities. After working to establish the program - the Forest Resilience Division began offering its Certified Burn Manager course in spring 2022. The course is conducted through a mix of classroom instruction and hands-on field activities and educates course-takers on regulations and laws that dictate burning, burn permits, and a number of other topics. The goal of the course is to train and certify citizens in how to plan and implement a safe prescribed burn in their community. As a statewide program, our Division utilizes the **Environmental Health Disparities (EHD) Map** to identify communities as part of our program planning of where to host classes and who to outreach to. Overburdened forest landowners and managers, from small forest landowners to our tribal partners are audiences that we aim to reach with these courses as the knowledge and the certification is empowering to utilize prescribed fire as a tool in managing their lands.

2. **Describe Vulnerable Populations identified within the geographic area(s) where there may be environmental and health impacts as a result of the proposed significant agency action**.

The rulemaking itself does not have any environmental impacts, but the program already in operation does consider these.

Specific to health impacts in addition to the work we noted in #1, this program utilizes the **Environmental Health Disparities (EHD) Map** and work with our counterparts in Smoke Management in Wildland Fire Management Division to be considerate of impacts of smoke to vulnerable populations. Smoke management and planning is one component in our coursework, and consideration of the impacts of smoke is an important message we convey to those we teach.

Section 3: Community Engagement Summary

DNR Community engagement is required for all significant agency actions requiring an EJA. (see RCW 70A.02.050) The purpose of this section is to summarize DNR's community engagement activities related to this action. Community engagement should be tailored to specifically reach overburdened communities and vulnerable populations impacted by this action. For documentation of tribal consultation and engagement, see Section 4.

For further guidance on community engagement to Overburdened Communities and Vulnerable Populations, see the Community Engagement Guide document on the DNR EJ page.

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

In our outreach for the public hearing on the rulemaking, we utilized the EHD map and worked internally with our Forest Resilience Environmental Justice Planner to ensure we purposefully did outreach to vulnerable communities or community organizations to create

awareness about the rulemaking, and ideally about the program. We also reached out to our Tribal Liaison to help us distribute the word to tribal partners.

2. What actions were taken to help address barriers to meaningful engagement?

We aimed to pick a central location in Washington for the in-person meeting and offer a hybrid option to join for the hearing.

Separate from the rulemaking, our program strives to reduce barriers to engaging in the Certified Burner Program through outreach and moving the course around the state to different locations each time to try to create an accessible opportunity. We keep the fee low to prevent barriers from registration.

3. Summarize recommendations from members of overburdened communities and vulnerable populations to mitigate or eliminate potential harm from the action and/or equitably distribute benefits from the action.

No recommendations for the rulemaking process for an already established program.

4. Describe any changes to the SAA derived from community feedback. If no changes were made, provide your reasoning in this section as well.

Community feedback was received at the public hearing and is being integrated into the draft rulemaking per the process.

Our Certified Burner Program implementation has received feedback from partners over the years it has been implemented to increase its effectiveness, reach, and accessibility. We have added capacity to the program, improved materials, and increase our outreach to be more responsive to this feedback. We have also added a position in our Division utilizing U.S. Department of Agriculture grant funding to conduct specific outreach to small forest landowners where English is a second language to hopefully increase awareness of our services, including this course and learn ways we can continue to improve.

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

Through the implementation of our Certified Burner Program, we host at least 2 courses a year and follow up with in-person assessments for those that complete the course for certification. Through our outreach and hopeful engagement of individuals and communities from overburdened communities, we hope to increase education and certification to empower communities going forward. Work in this program is done within the broader context of environmental justice outreach tied to our State's Forest Action Plan, where prescribed fire is one tool to deliver on our goals. Therefore, engagement of communities will

be done by multiple programs in our Division hopefully increasing awareness and engagement in this Certified Burner Program.

Section 4: Tribal Consultation and Engagement of Indian Country

Tribal consultation should inform your answers to all questions in this section. For detailed guidance on how to engage with federally recognized tribal governments and tribal communities, see the Commissioners' Order on Tribal Relations.(RCW 70A.02.100)

Data Sovereignty

- You can be generic in your responses so that specific information or lack of response is not directly attributed to a specific tribe. However, information gathered and notes taken during engagement and consultation are subject to public disclosure.
- Do not list/share sensitive data or location information attributable to individual sites.
- Do not list/share any information that Tribes have requested that you not share. This includes but is not limited to reservations, off-reservation trust lands, sacred sites, traditional cultural properties, burial grounds, and other tribal sites protected by federal or state law. Include any overlaps identified via tribal consultation.

TIP: DNR must offer consultation with federally recognized Tribes when a significant agency action may affect federally reserved tribal rights and interests. Whether or not an action affects federally reserved tribal rights and interests is ultimately determined by the Tribe.

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

Tribal partners have engaged directly in our Certified Burner Program courses since the program initiation in 2022. For the rulemaking, we reached out to our Tribal Liaison to make sure distribution of communications to tribal partners occurred to make sure there was awareness of the rulemaking process and public hearing.

2. Describe likely impacts (including direct or indirect harms or benefits) to Tribal rights and resources associated with this action.

None from this rulemaking.

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

Tribal forest landowners and managers are a critical partner to our Forest Resilience Division and will be a key audience we aim to engage through our Certified Burner Program to provide education and certification to empower burning by our tribal partners. We are continually learning from our tribal partners about cultural burning, which can inform and influence our future course content as well.

4. **Describe how consultation, engagement, and analyses of impacts to Tribes have informed the development of the action. If no changes are made, provide your reasoning in this section as well.**

Tribal engagement has informed our program since 2022, but not the rulemaking process.

Section 5: Analyze Environmental Benefits and Harms

The purpose of this section is to **identify and document both the anticipated benefits and/or harms** from the potential action, and to assess impacts on overburdened communities and vulnerable populations. This information can come from a desktop analysis, subject matter expertise, and information gleaned through tribal consultation and community engagement. (RCW 70A.02.060)

Note that some SAAs may also require State Environmental Policy Act (SEPA) assessments. These two assessments are meant to be complementary and conducting one does not preclude the completion of the other.

Defining Environmental Benefits and Harms

Environmental benefits *are activities that:*

- *Prevent or reduce existing environmental harms that contribute significantly to cumulative environmental health impacts, and/or*
- *Prevent or mitigate the impacts of environmental harm to overburdened communities or vulnerable populations; and/or*
- *Meet a community need identified by an overburdened community or vulnerable population.*

Environmental harms *are environmental health impacts and risks to communities caused by historic, current, or projected:*

- *Exposure to pollution, conventional or toxic pollutants, environmental hazards, or other contamination in the air, water, and land;*
- *Adverse environmental exposures to contamination, hazardous substances, or pollution that increase the risk of adverse environmental health outcomes;*
- *Loss or damage to ecosystems or traditional food resources or loss of access to gather cultural resources or harvest traditional foods; or*
- *Health and economic impacts from climate change.*

In your descriptions below, consider all potential environmental **benefits and/or harms** that may arise from the proposed action, including to but not limited to the following:

- Health
- Economic Impacts
- Environment
- Social and Cultural Factors

1. **Describe likely environmental benefits (direct and/or indirect) for overburdened communities, vulnerable populations, and Tribes associated with this action**.

None from this rulemaking, it is only adopting an existing program that has been implemented for over 4 years. It formalizes rules we operate by. The program itself has environmental benefits by offering education and certification for use of an important tool for forest landowners.

2. **Describe likely environmental harms (direct and/or indirect) for overburdened communities, vulnerable populations, and Tribes associated with this action.**

N/A. None from this rulemaking, it is only adopting an existing program that has been implemented for over 4 years.

3. **Does this action address environmental and health disparities? If so, describe how the action addresses disparity and address any indirect impacts that may not be evident.**

N/A. None from this rulemaking, it is only adopting an existing program that has been implemented for over 4 years.

Section 6: Notification of Completed Assessment

Thank you for conducting this assessment and for your ongoing work toward equity and Environmental Justice at Department of Natural Resources. Please save this document and send a copy for review to envjustice@dnr.wa.gov. The team will get back to you with any questions or suggested edits. The final version of this document will be posted to the Office of Equity & Environmental Justice and Civil Rights page and OFM will be notified that the EJA has been completed.

After receiving the weblink from OEEJCR to the final EJ assessment, share the link with:

- ☐ DNR's Tribal Relations team (or share the assessment via the methods identified during consultation); and
- ☐ People who provided contact information through community engagement.

Appendix: Glossary of key terms, definitions, and acronyms

- **Cumulative Environmental Health Impact**: The combined, multiple environmental impacts and health impacts on a vulnerable population or overburdened community.
- **Community-Based Organization (CBO)**: A local, non-profit, or grassroots entity driven by local residents to address specific community needs. They provide vital services like healthcare, education, and social support, acting as trusted neighborhood advocates.
- **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 environmental exposure depends on the amount of 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.
- **EHD**: Environmental Health Disparities. The WA State Department of Health hosts the Environmental Health Disparities map. Access the map by clicking here.
- **Environmental Harm(s)**: 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.
- **Environmental Justice Assessment (EJA):** A requirement process (this document) DNR staff follows to determine the impacts of significant agency actions on overburdened communities and vulnerable populations and to ensure environmental benefits and burdens are equitably distributed.
- **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.
- **HEAL**: **Healthy Environment for All (HEAL) Act:** The Healthy Environment for All Act was passed by the Legislature in 2021. It is the first statewide law to create a coordinated and collaborative approach to environmental justice, making it a priority and part of the mission of key state agencies.
- **OEEJCR**: DNR's Office of Equity, Environmental Justice, and Civil Rights team.
- **OFM**: Office of Financial Management.
- **Overburdened Community (OBC)**: 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.
- **State Environmental Policy Act (SEPA):** The State Environmental Policy Act (SEPA) process identifies and analyzes environmental impacts associated with governmental decisions. These decisions may be related to issuing permits for private projects, constructing public facilities, or adopting regulations, policies, and plans. The SEPA review process helps agency decision-makers, applicants, and the public understand how the entire proposal will affect the environment. SEPA can be used to modify or deny a proposal to avoid, reduce, or compensate for probable impacts.
- **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 office of financial management for approval; and 5) Any other agency actions deemed significant by a covered agency consistent with RCW 70A.02.060.

- **Tribal consultation:** A Tribal consultation is a formal, two-way, government-to-government dialogue between official representatives of Tribes and Government agencies to discuss proposed policies, programs, or actions identified by the agency as having an effect on a federally recognized tribe. DNR will notify the affected tribe(s) and take affirmative steps to contact, meet with, involve active participation by, or consult with tribe(s). DNR staff shall respond promptly and respectfully to any request by any of the tribes for a meeting, communication, or consultation with DNR. All such interactions and consultations shall be open and transparent so that tribal governments may evaluate for themselves the potential impact of relevant proposals. For more information on Tribal Consultation please click here to access the Governor's Office of Indian Affairs website.
- **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.