

Draft Minutes of the Environmental Justice Council

June 22, 2022

10:00am-3:00pm

Virtual meeting via ZOOM Platform

Due to limited staff capacity, Environmental Justice Council (Council) staff are working to streamline the Council meeting notes. The notes now include only very high-level points and the final decisions made along with voting records. The full meeting recordings can be found on the Council's website: [Environmental Justice Council Meetings | WaPortal.org](https://www.wa.gov/EnvironmentalJusticeCouncilMeetings). However, it is important that meeting notes are useful to the Council Members and the public. Please share feedback with Council staff on how we can make these notes most useful to you by emailing envjustice@ejc.wa.gov or by calling 360-584-4398.

Council Members Present:

- Council Member Nichole Banegas
- Council Member Maria Batayola
- The Honorable Patrick DePoe
- Council Member Running-Grass
- Council Member Rosalinda Guillen
- Council Member Aurora Martin
- Council Member David Mendoza
- Council Member Esther Min
- Dawn Vyvyan and Lisa Anderson representing The Honorable Sylvia Miller
- Council Member Nirae Petty
- Council Member Faaluaina Pritchard
- Council Member Todd Mitchell
- Council Member Raeshawna Ware

Agency Ex Officio Liaisons Present:

- David Bayne, Department of Health
- Lea Anne Burke on behalf of Laura Blackmore, Puget Sound Partnership
- Allison Dane Camden, Department of Transportation
- Michael Furze, Department of Commerce
- Nicole Johnson, Department of Agriculture
- Eliseo (EJ) Juárez, Department of Natural Resources
- Millie Piazza, Department of Ecology

Council Members Absent:

- Council Member Maria Blancas
- The Honorable Jarred-Michael Erickson
- The Honorable Misty Napeahi
- The Honorable Sylvia Miller

Meeting Facilitator:

- LaKesha Kimbrough

Council Staff Present:

- Sierra Rotakhina
- Theo Cielos
- Rowena Pineda

Theo Cielos, Council Staff, gave an overview of how to enter the Zoom interpretation channels.

Rowena Pineda, Council Staff, called the public meeting to order at 10:10am.

I. Welcome and Introduction

Rowena Pineda, provided the welcome and Council Members and staff introduced themselves.

II. Update from the Governance Committee

The Council discussed the Council's decision-making protocol adopted for the May 25, 2022 meeting and then adopted the following motion:

The Environmental Justice Council adopts the decision-making process that the Council approve at its meeting on May 25, 2022, (with further clarification that the facilitator can bring a motion to the table on behalf of a Committee or any Council Member in the meeting can bring forward a motion for discussion) to be in effect until the Governance Committee brings back full bylaws to the Council for discussion, amendments, and adoption.

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Note: The voting categories agreed on at the May 25th meeting are:

A: Yes, I approve.

B: Yes, with reservations.

C: Not voting until we have further discussions.

D: I don't approve, but I won't block.

E: I block, have serious concerns.

F: I stand aside, recuse myself.

Council Members Present for this Vote:

- Council Member Maria Batayola: A: Yes, I approve
- Council Member Running-Grass: A: Yes, I approve
- Council Member Rosalinda Guillen: A: Yes, I approve
- Council Member Aurora Martin: A: Yes, I approve
- Council Member David Mendoza: A: Yes, I approve
- Council Member Esther Min: A: Yes, I approve
- Lisa Anderson representing The Honorable Sylvia Miller: B: Yes, with reservations.

Lisa Anderson noted that she would approve with reservations and explain their reservations. She shared, “We are having a hard time following the discussion right now, to the extent we are dealing with these six categories without people explaining their reservations or other items, I think we are going to end up kind of lost on determining why and what needs to happen in discussion to come to consensus. I am going to add this: This is a temporary thing. As we work through maybe we will be able to refine the process.”

- Council Member Nirae Petty: A: Yes, I approve
- Council Member Faaluaina Pritchard: A: Yes, I approve

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Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398.

- Council Member Todd Mitchell: A: Yes, I approve
- Council Member Nichole Banegas: A: Yes, I approve
- Council Member Raeshawna Ware: D: I don't approve, but I won't block.

Council Members absent for this vote:

- Council Member Maria Blancas
- The Honorable Jarred-Michael Erickson
- The Honorable Patrick DePoe
- The Honorable Misty Napeahi
- The Honorable Sylvia Miller (Lisa Anderson voting on behalf)

Council Members who did not vote “A: Yes, I Approve” shared their concerns. The primary concerns were centered around still feeling unclear about how a motion would be brought and the various categories the Members can use to vote. The group discussed that this is an interim process, so they will work to add clarity and improve the process before adopting a more permanent process.

Council Member Min noted that it would be very valuable to have any of the Tribal Representatives join the Governance Committee as it works out the bylaws. If these members don't have capacity, the committee can work with them on how they might still engage so their ideas are reflected.

Note: since this meeting The Honorable Patrick DePoe has joined the Governance Committee.

The Council discussed the Council's decision-making protocol and then adopted the following motion:

The Environmental Justice Council establishes, as an interim decision until full bylaws are adopted, that a quorum of the Council will consist of nine Governor-appointed Council members and that Council members can have alternates attend Committee meetings and attend and vote at Council meetings pending legal

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review. The Council directs staff to research the necessary protocols for having designees participate in voting or taking action at Council meetings.

Council Members Present for this Vote:

- Council Member Maria Batayola: A: Yes, I approve
- Council Member Running-Grass: A: Yes, I approve
- Council Member Rosalinda Guillen: A: Yes, I approve
- Council Member Aurora Martin: A: Yes, I approve
- Council Member David Mendoza: A: Yes, I approve
- Council Member Esther Min: A: Yes, I approve
- Dawn Vyvyan representing The Honorable Sylvia Miller: A: Yes, I approve
- Council Member Nirae Petty: A: Yes, I approve
- Council Member Faaluaina Pritchard: A: Yes, I approve
- Council Member Todd Mitchell: A: Yes, I approve
- Council Member Nichole Banegas: A: Yes, I approve
- Council Member Raeshawna Ware: A: Yes, I approve

Council Members Absent for this Vote:

- Council Member Maria Blancas
- The Honorable Jarred-Michael Erickson
- The Honorable Patrick DePoe
- The Honorable Misty Napeahi
- The Honorable Sylvia Mille (Dawn Vyvyan voting on behalf)

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III. Approval of Agenda

The Council came to full consensus with members present and adopted the agenda as posted in advance of the meeting without changes. The following Council Members were absent for this agenda item:

- Council Member Maria Blancas
- The Honorable Jarred-Michael Erickson
- The Honorable Patrick DePoe
- The Honorable Misty Napeahi
- The Honorable Sylvia Mille (Lisa Anderson voting on behalf)

IV. Approval of May 25 Meeting Notes

The Council came to full consensus with members present and adopted the May 25, 2022 meeting notes as posted in advance of the meeting with four changes:

- 1) Ensure that The Honorable Sylvia Miller is listed as absent for each of the items listing who voted at the May meeting.
- 2) Correct Council Member Batayola's introduction in the appendix to capture her full introduction verbatim.
- 3) Correct the Council's email address in the footer to read @EJC.
- 4) Correction of the start time of the meeting.

The following Council Members were absent for this agenda item:

- Council Member Maria Blancas
- The Honorable Jarred-Michael Erickson
- The Honorable Patrick DePoe
- The Honorable Misty Napeahi
- The Honorable Sylvia Mille (Lisa Anderson voting on behalf)

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V. Public Comment

No members of the public provided spoken public comments during this comment period. Jean Mendoza with the Friends of Toppenish Creek submitted written public comments and included their letter to the Yakima Agency Board of Directors. This will be included in the August meeting packet.

The Council took a break at 10:30am and returned at 10:40am.

VI. Updates from the Climate Commitment Act (CCA) Committee

The Council discussed and amended a draft letter to the Department of Ecology and the Governor and adopted the following motion:

The Environmental Justice Council agrees to send a letter to the Governor and the Department of Ecology to 1) Identify how the Council sees its role influencing the CCA and the Heal Act; 2) Clarify the limitations of involvement, and 3.) Propose a resolution to the time constraints with the CCA rulemaking. The Council directs the CCA Committee to amend the draft letter to the Governor and the Director of the Department of Ecology to integrate feedback from the Council discussion at the June 22, 2022 meeting and directs Council staff to submit the letter to the Governor and the Director of the Department of Ecology on behalf of the EJ Council.

Council Members Present for this Vote:

- The Honorable Patrick Depoe: A: Yes, I approve
- Council Member Maria Batayola: A: Yes, I approve
- Council Member Running-Grass: A: Yes, I approve
- Council Member Rosalinda Guillen: A: Yes, I approve
- Council Member Aurora Martin: A: Yes, I approve

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- Council Member David Mendoza: A: Yes, I approve
- Council Member Esther Min: A: Yes, I approve
- Lisa Anderson representing The Honorable Sylvia Miller: A: Yes, I approve
- Council Member Nirae Petty: A: Yes, I approve
- Council Member Todd Mitchell: B: Yes, with reservations

Council Member Mitchell noted that his reservations are around the process we are going through. The letter still doesn't deal with the process around engaging with the rules that so many Council Members have expressed concern with. He noted that he was not, in any sense, wishing to block this moving forward.

- Council Member Nichole Banegas: A: Yes, I approve
- Council Member Raeshawna Ware: A: Yes, I approve

Council Members Absent for this Vote:

- Council Member Maria Blancas
- The Honorable Jarred-Michael Erickson
- The Honorable Misty Napeahi
- The Honorable Sylvia Mille (Dawn Vyvyan voting on behalf)
- Council Member Faaluaina Pritchard

VII. Updates from the Community Engagement Committee

The Council discussed the upcoming deadline for agencies to adopt community engagement plans and adopted the following motion:

The Environmental Justice Council supports the adoption of the interagency DRAFT community engagement guide and DRAFT agency-specific community engagement plans (as ready) by HEAL agencies with the following conditions:

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- The document is clearly marked DRAFT and the cover page contains language that it has not been reviewed by the EJ Council.
- A statement accompanies the DRAFT stating that agencies are posting provisional community engagement plans and awaiting guidance from the EJ Council before it is implemented.
- Representatives from the HEAL Interagency Work Group and the EJC's Community Engagement Committee will work together to develop a process and timeline for EJC review of the DRAFT Community Engagement Plans
- Incorporating guidance from the EJC
- Getting feedback from communities through listening sessions and incorporating the feedback
- Offer Tribal consultation BEFORE a plan is implemented in HEAL agencies
- Covered agencies must offer consultation with federally recognized Indian tribes on the creation and adoption or updating of a community engagement plan required under RCW 70A.02.050.

Council Members Present for this Vote:

- The Honorable Patrick Depoe: A: Yes, I approve
- Council Member Maria Batayola: A: Yes, I approve
- Council Member Running-Grass: A: Yes, I approve
- Council Member Rosalinda Guillen: A: Yes, I approve
- Council Member Aurora Martin: A: Yes, I approve
- Council Member David Mendoza: A: Yes, I approve
- Council Member Esther Min: A: Yes, I approve
- Dawn Vyvyan representing The Honorable Sylvia Miller: A: Yes, I approve

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- Council Member Nirae Petty: A: Yes, I approve
- Council Member Todd Mitchell: B: Yes, I approve
- Council Member Nichole Banegas: A: Yes, I approve
- Council Member Raeshawna Ware: A: Yes, I approve

Council Members Absent for this Vote:

- Council Member Maria Blancas
- The Honorable Jarred-Michael Erickson
- The Honorable Misty Napeahi
- The Honorable Sylvia Mille (Dawn Vyvyan voting on behalf)
- Council Member Faaluaina Pritchard

VIII. Further Discussion of Council Governance

The Governance Committee requested that the full Council send their thought and comments about the idea that all Council members and staff disclose potential and perceived and actual conflicts of interests and the means of such disclosure to Sierra so she can share the information with the EJ Council for the Governance Committee to review and come back to the EJ Council at our next meeting with a recommendation.

IX. Briefing: Environmental Health Disparities Map

The Council meeting was running late and we did not have time for this briefing. Alli Ertl, Epidemiologist with the Department of Health, introduced herself and noted that she looks forward to speaking with the Council in the future. Alli Ertl will be presenting about the Environmental Health Disparities Map at the Council's August meeting.

X. Check-out and Farewell

The Council adjourned the meeting at 3:00pm

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