

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5141 SB 5141-S2.E AMF ENVI H1357.1	<b>Title:</b> Env. justice task force recs
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## Estimated Cash Receipts

Agency Name	2021-23			2023-25			2025-27		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Office of Attorney General	0	0	240,000	0	0	356,000	0	0	356,000
<b>Total \$</b>	<b>0</b>	<b>0</b>	<b>240,000</b>	<b>0</b>	<b>0</b>	<b>356,000</b>	<b>0</b>	<b>0</b>	<b>356,000</b>

## Estimated Operating Expenditures

Agency Name	2021-23				2023-25				2025-27			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of the Governor	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Office of Attorney General	.9	0	0	240,000	1.3	0	0	356,000	1.3	0	0	356,000
Department of Commerce	Fiscal note not available											
Office of Financial Management	.0	0	0	0	.0	0	0	0	.0	0	0	0
Utilities and Transportation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Health	8.5	2,142,000	2,142,000	2,142,000	7.4	1,872,000	1,872,000	1,872,000	7.4	1,872,000	1,872,000	1,872,000
University of Washington	.5	120,082	120,082	120,082	1.8	120,082	120,082	120,082	.5	120,082	120,082	120,082
Department of Transportation	3.8	0	0	1,026,000	19.8	0	0	5,072,000	20.8	0	0	5,324,000
Department of Ecology	5.1	199,671	199,671	1,535,932	5.3	204,766	204,766	1,575,123	5.3	203,514	203,514	1,565,488
Department of Ecology	In addition to the estimate above,there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Puget Sound Partnership	Fiscal note not available											
Department of Natural Resources	11.8	3,841,500	3,841,500	3,841,500	16.5	5,308,300	5,308,300	5,308,300	16.9	5,387,800	5,387,800	5,387,800
Department of Natural Resources	In addition to the estimate above,there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Department of Agriculture	Fiscal note not available											
<b>Total \$</b>	<b>30.6</b>	<b>6,303,253</b>	<b>6,303,253</b>	<b>8,905,514</b>	<b>52.1</b>	<b>7,505,148</b>	<b>7,505,148</b>	<b>14,303,505</b>	<b>52.2</b>	<b>7,583,396</b>	<b>7,583,396</b>	<b>14,625,370</b>

## Estimated Capital Budget Expenditures

Agency Name	2021-23			2023-25			2025-27		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of the Governor	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Commerce	Fiscal note not available								
Office of Financial Management	.0	0	0	.0	0	0	.0	0	0
Utilities and Transportation Commission	.0	0	0	.0	0	0	.0	0	0
Department of Health	.0	0	0	.0	0	0	.0	0	0
University of Washington	.0	0	0	.0	0	0	.0	0	0
Department of Transportation	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
Puget Sound Partnership	Fiscal note not available								
Department of Natural Resources	.0	0	0	.0	0	0	.0	0	0
Department of Agriculture	Fiscal note not available								
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Lisa Borkowski, OFM	<b>Phone:</b> (360) 902-0573	<b>Date Published:</b> Preliminary 4/ 7/2021
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5141 SB 5141-S2.E AMH ENVI H1357.1	<b>Title:</b> Env. justice task force reccs	<b>Agency:</b> 075-Office of the Governor
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

Non-zero but indeterminate cost and/or savings. Please see discussion.

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact . Factors impacting the precision of these estimates , and alternate ranges (if appropriate ) , are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Dan Jones	Phone: 360-786-7118	Date: 03/25/2021
Agency Preparation: Jim Jenkins	Phone: 360-902-0403	Date: 03/29/2021
Agency Approval: Jamie Langford	Phone: (360) 870-7766	Date: 03/29/2021
OFM Review: Tyler Lentz	Phone: (360) 790-0055	Date: 04/05/2021

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

Section 3 - Assumes agencies will strive to apply the policies of this bill including, if possible, the inclusion into agency decisions of the principles of environmental justice assessment processes.

Section 11 - Any state agency, including the governor's office and the office of the attorney general, may opt in to environmental justice obligation plan implementation to assume the substantive and procedural requirements of chapter 70A.

Section 13 (1) - By July 1, 2022, an agency must create and adopt a community engagement plan that describes how it will engage with overburdened communities and vulnerable populations as it evaluates new and existing activities and programs.

Section 13 (4) - A covered agency may coordinate with the Office of Equity to identify policy and system barriers to meaningful engagement with communities.

Section 17 (2)(b) - By September 1st of each year beginning in 2024, each covered agency must publish or update a dashboard report, on the Office of Financial Management's (OFM) website describing the agency's progress on:

- a) Environmental Justice in its strategic plan;
- b) The obligations of agencies relating to budgets and funding under Section 16 of this bill; and
- c) Its environmental justice assessments of proposed significant agency actions.

Section 20 - The EJ Council is established to advise agencies on incorporating environmental justice into agency activities. The council consists of 12 members appointed by the governor.

Section 20 (6) - The Department of Health, in collaboration with the Office of Equity, OFM, EJ Council, and agencies, must:

- (a) Establish standards for the collection, analysis, and reporting of disaggregated data as it pertains to tracking population level outcomes of communities;
- (b) Create statewide and agency-specific process and outcome measures to show performance using outcome-based methodology and using feedback from the EJ Council; and
- (c) Create an online performance dashboard to publish state and agency performance measures and outcomes.

Section 23 - Covered agencies must offer consultation with Indian tribes on decisions that affect Indian tribes' rights and interests in their tribal lands, as required in section 18 of this bill.

### II. B - Cash receipts Impact

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

### II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

For Section 13 (4) covered agencies as defined in section 2 (2) of the bill and any agency that may opt in to the environmental justice obligations under new chapter 70A RCW, may coordinate with the Office of Equity to identify

policy and system barriers to meaningful engagement with communities.

It is unknown what the work required, and resources needed, to provide assistance to one or more agencies, therefore costs are indeterminate.

For purposes of estimating an approximate costs for this, it would require a 1.0 FTE, or more, Program Specialist, with an annual salary of \$96,000 plus benefits, costs of goods and services, travel, and one-time equipment costs, to assist agencies with the environmental justice obligations required to identify policy and system barriers to meaningful engagement with communities.

Total costs for 1.0 FTE Program Specialist = \$159,476\*:

Obj A - \$96,000  
Obj B - \$32,076  
Obj E - \$24,000  
Obj G - \$2,400  
Obj J - \$5,000 (one-time)

\*This cost is only with the assumption of 1.0 FTE. The costs could be more given the unknown number of agencies opting into the environmental justice obligations under new chapter 70A RCW. It is assumed that it would require an additional 0.15 FTE Program Specialist with an annual salary of \$96,000 plus benefits, costs of goods and services, travel, and one-time equipment costs, for each additional agency that requires assistance with environmental justice obligations.

Total cost for each additional agency requiring assistance = \$23,921.

### Part III: Expenditure Detail

#### III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.
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#### III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.
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**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part I and Part IIIA*

NONE

#### III. D - Expenditures By Program (optional)

NONE

### Part IV: Capital Budget Impact

#### IV. A - Capital Budget Expenditures

NONE

#### IV. B - Expenditures by Object Or Purpose

NONE

**IV. C - Capital Budget Breakout**

*Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods*

NONE

**IV. D - Capital FTE Detail:** *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part IVB*

NONE

**Part V: New Rule Making Required**

# Individual State Agency Fiscal Note

Revised

<b>Bill Number:</b> 5141 SB 5141-S2.E AMH ENVI H1357.1	<b>Title:</b> Env. justice task force recs	<b>Agency:</b> 100-Office of Attorney General
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

ACCOUNT	FY 2022	FY 2023	2021-23	2023-25	2025-27
Legal Services Revolving Account-State 405-1	91,000	149,000	240,000	356,000	356,000
<b>Total \$</b>	91,000	149,000	240,000	356,000	356,000

### Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.7	1.1	0.9	1.3	1.3
<b>Account</b>					
Legal Services Revolving Account-State 405-1	91,000	149,000	240,000	356,000	356,000
<b>Total \$</b>	91,000	149,000	240,000	356,000	356,000

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact . Factors impacting the precision of these estimates , and alternate ranges (if appropriate ) , are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Dan Jones	Phone: 360-786-7118	Date: 03/25/2021
Agency Preparation: Michael Shinn	Phone: 360-759-2122	Date: 04/05/2021
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 04/05/2021
OFM Review: Tyler Lentz	Phone: (360) 790-0055	Date: 04/06/2021

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

Section 2 is a definitions section, and defines “agency” as the Departments of Ecology (ECY), Health (DOH), Natural Resources (DNR), Commerce (COM), Agriculture (AGR), Transportation (DOT), and the Puget Sound Partnership (PSP). “Significant agency action” definition is amended.

Section 3 states that agencies must apply the act’s provisions and other state agencies should strive to do so.

Sections 4-10 add new sections to chapters 43.70, 43.12A, 43.34, 43.30, 43.31, 47.01, and 90.71, making it mandatory to comply with the obligations of section 3 and requirements of sections 13-18 of the act for DOH, ECY, AGR, DNR, COM, DOT, and the PSP, respectively.

Section 11 allows other state agencies to opt to assume the obligations of the act.

Section 12 requires each agency to include an environmental justice implementation plan within its strategic plan by January 1, 2023. Criteria are included. Specific plans and timelines are added as a criteria.

Section 13 requires agencies to adopt a community engagement plan by July 1, 2022 describing how it will engage with overburdened communities and vulnerable populations as it evaluates new and existing activities and programs. Criteria are included.

Section 14 requires each agency to conduct an environmental justice assessment (EJA) when conducting significant agency action after July 1, 2023. Agencies must develop a process for EJAs by July 1, 2025. Criteria are included. Minor language changes are made, do not appear likely to have any fiscal impact.

Section 16 requires agencies to incorporate environmental justice principles into budget development and expenditures. Start date of July 1, 2023 is added. Paragraph (5) is added specifically addressing expenditure and funding decisions by state transportation agencies.

Section 17 requires agencies to update the environmental justice counsel report annually on development and implementation of strategic plans pursuant to sections 12, 13, and 16 of the act, beginning September 1, 2024.

Section 18 requires agencies to consult with Tribes on decisions affecting Tribes’ rights and interests in Tribal lands.

Section 19 adds a new section to chapter 43.70 RCW, requiring DOH to develop and maintain an environmental health disparities map in consultation with the EJC established in section 20.

Section 20 creates the Environmental Justice Council (EJC). DOH is required to hire a manager and support staff for the EJC. Senate confirmation is removed for council appointments by the governor. Deadline of July 1, 2023 is added for recommendations on whether strategic plan implementation or budget implementation should be prioritized. A requirement by November 30, 2022 is added for reporting to governor and legislative committees on recommendations to agencies. The council’s role is clarified to be purely advisory.

Section 21 adds exceptions to the requirements of sections 14 and 16.

Section 22 provides that agency actions are subject to judicial review under chapter 34.05 RCW.

Section 23 amends RCW 43.376.020 to require covered agencies to offer consultation with Indian tribes on decisions that affect the tribes’ rights and interests in their tribal lands.



## II. B - Cash receipts Impact

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency , identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources . Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates . Distinguish between one time and ongoing functions .*

Cash receipts are assumed to equal the Legal Services Revolving Account cost estimates. These will be billed through the revolving account to the client agency.

The client agencies are the Department of Ecology (ECY), the Department of Commerce (COM), the Department of Natural Resources (DNR) and the Washington State Department of Transportation (WSDOT). The Attorney General's Office (AGO) will bill all clients for legal services rendered.

These cash receipts represent the AGO's authority to bill and are not a direct appropriation to the AGO. The direct appropriation is reflected in the client agencies' fiscal note. Appropriation authority is necessary in the AGO budget.

### AGO AGENCY ASSUMPTIONS:

ECY will be billed:

FY 2022: \$34,000.

FY 2023: \$19,000.

FY 2024 and in each FY thereafter: \$12,000.

COM will be billed \$59,000 in FY 2023 and in each FY thereafter.

DNR will be billed:

FY 2022 and FY 2023: \$23,000 in each FY.

FY 2024 and in each FY thereafter: \$59,000.

WSDOT will be billed:

FY 2022: \$34,000.

FY 2023 and in each FY thereafter: \$48,000 per FY.

## II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation ), identifying by section number the provisions of the legislation that result in the expenditures (or savings ). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates . Distinguish between one time and ongoing functions .*

### Attorney General's Office (AGO) Agency Assumptions:

1. This bill is assumed effective 90 days after the end of the 2021 legislative session.
2. Total workload impact in this request includes standard assumption costs for good & services, travel, and capital outlays for all FTE identified.
3. Agency administration support FTE are included in the tables below, using a Management Analyst 5 as a representative classification.
4. Costs are not included for potential AGO legislative opt-in costs that may be required.
5. The AGO Agriculture & Health Division (AHD) has reviewed this bill and determined it will not significantly increase the division's workload in representing the Department of Agriculture (AGR) or the Department of Health (DOH). This bill requires the agencies to take certain measures to incorporate environmental justice principles into their work, including adopting an environmental justice implementation plan and community engagement plan, conducting

environmental justice assessments when taking significant agency action, and incorporating environmental justice principles into budgeting and expenditures. This is primary policy work that may require some incidental legal advice, which will be provided with existing funding levels. DOH will also be responsible for providing administrative support to a new Environmental Justice Council (EJC) and interagency work group. This work will require a small amount of legal advice. New legal services are nominal and costs are not included in this request.

Assumptions for the AGO AHD Division's Legal Services for the Department of Commerce (COM):

1. The AGO will bill COM for legal services based on the enactment of this bill.
2. Legal services include defending Administrative Procedure Act (APA) appeals.
3. AHD assumes up to six new APA appeals of agency action per FY beginning in FY 2023. A requirement for environmental justice assessments of "significant agency actions" as defined in the bill is necessary.
4. Total workload impact beginning in FY 2023 and in each FY thereafter: 0.25 Assistant Attorney General (AAG) and 0.13 Legal Assistant (LA) at a cost of \$59,000 per FY.

Assumptions for the AGO Ecology Division's Legal Services for the Department of Ecology (ECY):

1. The AGO will bill ECY for legal services based on the enactment of this bill.
2. ECY is the leading environmental regulator in the state and it is assumed that many ECY programs and decisions will fall within the purview of this bill.
3. In FY 2022, 0.15 Assistant Attorney General (AAG) is required to provide legal advice and guidance to ECY to implement this bill. Legal services would be required for statute interpretation, developing and implementing the tribal consultation framework, developing the Environmental Justice Implementation Plan, identifying the required goals and deliverables, and the community engagement best practices and engagement plan.
4. In FY 2023, 0.08 AAG will be required to provide legal advice and guidance for ECY's ongoing work, including implementing the EJC guidance or rules, the integration of screening tools, the language access plan, the environmental justice assessment tool, responding to investigations by the Environmental Justice Advocate, develop and maintain the reporting dashboard, tracking any relevant environmental justice data as well as planning for comprehensive evaluations every three years.
5. In FY 2024 and in each FY thereafter, 0.05 AAG will be required to provide ongoing client advice for document review and agency decisions that are novel or present new legal questions.
6. Total workload impact:  
FY 2022: 0.15 AAG and 0.08 Legal Assistant (LA) at a cost of \$34,000.  
FY 2023: 0.08 AAG at a cost of \$19,000.  
FY 2024 and in each FY thereafter: 0.05 AAG at a cost of \$12,000 per FY.

Assumptions for the AGO Public Lands and Conservation Division's (PLC) Legal Services for the Department of Natural Resources (DNR):

1. The AGO will bill DNR for legal services based on the enactment of this bill.

2. PLC will provide legal services to multiple divisions at DNR based on the requirements of this bill, and assist with identification of any rules or policies that need modification. This will include specific advice to Upland and Aquatic Land Management, the Forest Practices Program, Tribal consultation, provide legal review of the Environmental Justice Implementation Plan, and incorporation of environmental justice principles into agency decisions.

3. PLC will provide ongoing legal services including on significant agency actions that require an environmental justice assessment and Tribal consultation.

4. Total workload impact:

FY 2022 and FY 2023: 0.1 AAG and 0.5 LA at a cost of \$23,000 per FY.

FY 2024 and in each FY thereafter: 0.25 AAG and 0.13 LA at a cost of \$59,000 per FY.

Assumptions for the AGO Transportation & Public Construction Division's (TPC) Legal Services for the Washington Department of Transportation (WSDOT):

1. The AGO will bill WSDOT for legal services based on the enactment of this bill.

2. In FY 2022 legal services include, but are not limited to, support to multiple divisions at WSDOT based on the requirements of this bill, including identification of any rules or policies that need modification, advice regarding tribal consultation, legal review of the Environmental Justice Implementation Plan, and incorporation of environmental justice principles into significant agency decisions.

3. Beginning in FY 2023, TPC will Defending APA appeals (Section 14 EJ Assessments, Section 16 Budget, List of actions that WSDOT posts as being significant agency actions).

4. Total workload impact:

FY 2022: 0.15 AAG and 0.08 LA at a cost of \$34,000.

FY 2023 and in each FY thereafter: 0.2 AAG and 0.1 LA at a cost of \$48,000 per FY.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
405-1	Legal Services Revolving Account	State	91,000	149,000	240,000	356,000	356,000
<b>Total \$</b>			91,000	149,000	240,000	356,000	356,000

### III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.7	1.1	0.9	1.3	1.3
A-Salaries and Wages	61,000	100,000	161,000	240,000	240,000
B-Employee Benefits	19,000	31,000	50,000	74,000	74,000
E-Goods and Other Services	11,000	18,000	29,000	42,000	42,000
G-Travel					
J-Capital Outlays					
<b>Total \$</b>	91,000	149,000	240,000	356,000	356,000

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2022	FY 2023	2021-23	2023-25	2025-27
Assistant Attorney General	108,600	0.4	0.6	0.5	0.8	0.8
Legal Assistant 3	54,108	0.2	0.3	0.3	0.4	0.4
Management Analyst 5	88,644	0.1	0.2	0.1	0.2	0.2
<b>Total FTEs</b>		0.7	1.1	0.9	1.3	1.3

**III. D - Expenditures By Program (optional)**

Program	FY 2022	FY 2023	2021-23	2023-25	2025-27
Agriculture & Health Division (AHD)		59,000	59,000	118,000	118,000
Ecology Division (ECY)	34,000	19,000	53,000	24,000	24,000
Public Lands and Conservation (PLC)	23,000	23,000	46,000	118,000	118,000
Transportation & Public Construction Division (TPC)	34,000	48,000	82,000	96,000	96,000
<b>Total \$</b>	91,000	149,000	240,000	356,000	356,000

## Part IV: Capital Budget Impact

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods*

NONE

**IV. D - Capital FTE Detail:** *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part IVB*

NONE

## Part V: New Rule Making Required

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5141 SB 5141-S2.E AMH ENVI H1357.1	<b>Title:</b> Env. justice task force reccs	<b>Agency:</b> 105-Office of Financial Management
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## Part I: Estimates

☒ **No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact . Factors impacting the precision of these estimates , and alternate ranges (if appropriate ) , are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

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- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Dan Jones	<b>Phone:</b> 360-786-7118	<b>Date:</b> 03/25/2021
<b>Agency Preparation:</b> Jim Jenkins	<b>Phone:</b> 360-902-0403	<b>Date:</b> 03/29/2021
<b>Agency Approval:</b> Jamie Langford	<b>Phone:</b> 360-902-0422	<b>Date:</b> 03/29/2021
<b>OFM Review:</b> Tyler Lentz	<b>Phone:</b> (360) 790-0055	<b>Date:</b> 04/05/2021

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

Section 3 - Assumes agencies will strive to apply the policies of this bill including, if possible, the inclusion into agency decisions of the principles of environmental justice assessment processes.

Section 11 - Any state agency, including the governor's office and the office of the attorney general, may opt in to environmental justice obligation plan implementation to assume the substantive and procedural requirements of chapter 70A.

Section 13 (1) - By July 1, 2022, an agency must create and adopt a community engagement plan that describes how it will engage with overburdened communities and vulnerable populations as it evaluates new and existing activities and programs.

Section 13 (4) - A covered agency may coordinate with the Office of Equity to identify policy and system barriers to meaningful engagement with communities.

Section 17 (2)(b) - By September 1st of each year beginning in 2024, each covered agency must publish or update a dashboard report, on the Office of Financial Management's (OFM) website describing the agency's progress on:

- a) Environmental Justice in its strategic plan;
- b) The obligations of agencies relating to budgets and funding under Section 16 of this bill; and
- c) Its environmental justice assessments of proposed significant agency actions.

This work is assumed to be primarily done with assistance of the Results Washington Division (Results WA) of OFM, along with partnering with the EJ Council, the Office of Equity, and others on how best to track, display, and update information, based on the goals of the EJ Council. The required work of Results Washington would be consulting within the development phase and then displaying/updating the required information.

Section 20 - The EJ Council is established to advise agencies on incorporating environmental justice into agency activities. The council consists of 12 members appointed by the governor.

Section 20 (6) - The Department of Health, in collaboration with the Office of Equity, OFM, EJ Council, and agencies, must:

- (a) Establish standards for the collection, analysis, and reporting of disaggregated data as it pertains to tracking population level outcomes of communities;
- (b) Create statewide and agency-specific process and outcome measures to show performance using outcome-based methodology and using feedback from the EJ Council; and
- (c) Create an online performance dashboard to publish state and agency performance measures and outcomes.

Section 23 - Covered agencies must offer consultation with Indian tribes on decisions that affect Indian tribes' rights and interests in their tribal lands, as required in section 18 of this bill.

The work requirements of this bill can be done within current resources by reprioritizing workload.

### II. B - Cash receipts Impact

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

## II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation ), identifying by section number the provisions of the legislation that result in the expenditures (or savings ). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates . Distinguish between one time and ongoing functions .*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part I and Part IIIA*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods*

NONE

**IV. D - Capital FTE Detail:** *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part IVB*

NONE

## Part V: New Rule Making Required

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5141 SB 5141-S2.E AMH ENVI H1357.1	<b>Title:</b> Env. justice task force reccs	<b>Agency:</b> 215-Utilities and Transportation Commission
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## Part I: Estimates

☒ **No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact . Factors impacting the precision of these estimates , and alternate ranges (if appropriate ) , are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Dan Jones	<b>Phone:</b> 360-786-7118	<b>Date:</b> 03/25/2021
<b>Agency Preparation:</b> Amanda Hathaway	<b>Phone:</b> 360-664-1249	<b>Date:</b> 03/29/2021
<b>Agency Approval:</b> Amanda Hathaway	<b>Phone:</b> 360-664-1249	<b>Date:</b> 03/29/2021
<b>OFM Review:</b> Jenna Forty	<b>Phone:</b> (564) 999-1671	<b>Date:</b> 03/30/2021



## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

Section 2(1) defines seven obligated agencies: Ecology, Health, Natural Resources, Commerce, Agriculture, Transportation, and Puget Sound partnership. UTC is not one of these agencies.

Section 3 says all other [non-obligated] state agencies should strive to apply the law of the state of Washington, and the rules and policies of an agency in accordance with the policies in the act, including, to the extent feasible, incorporating the principles of environmental justice assessment processes described in Section 14 into agency decisions. UTC assumes this incorporation will occur in the normal course of business.

Section 11 allows any state agency to opt in to the substantive and procedural requirements of this act. UTC assumes it will not opt into this act, because it would be duplicative of the requirements and processes already in place for regulation of electric investor-owned utilities.

Section 14 does not explicitly identify the principles of environmental justice assessment processes. UTC assumes the language from Section 14(1) describing consideration of overburdened communities and vulnerable populations when making decisions, the equitable distribution of environmental benefits, the reduction of environmental harms, and the identification and reduction of environmental and health disparities are the principles that the UTC should incorporate into significant agency decisions. UTC further assumes that general rate cases do not qualify as significant agency decisions under this law.

### II. B - Cash receipts Impact

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

none.

### II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods*

NONE

**IV. D - Capital FTE Detail:** *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part IVB*

NONE

**Part V: New Rule Making Required**

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5141 SB 5141-S2.E AMH ENVI H1357.1	<b>Title:</b> Env. justice task force recs	<b>Agency:</b> 303-Department of Health
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	8.7	8.3	8.5	7.4	7.4
<b>Account</b>					
General Fund-State 001-1	1,102,000	1,040,000	2,142,000	1,872,000	1,872,000
<b>Total \$</b>	1,102,000	1,040,000	2,142,000	1,872,000	1,872,000

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact . Factors impacting the precision of these estimates , and alternate ranges (if appropriate ) , are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Dan Jones	Phone: 360-786-7118	Date: 03/25/2021
Agency Preparation: Jayme Hills	Phone: 360-338-2900	Date: 03/31/2021
Agency Approval: Carl Yanagida	Phone: 360-789-4832	Date: 03/31/2021
OFM Review: Danielle Cruver	Phone: (360) 522-3022	Date: 04/01/2021

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

S2.E AMH ENVI H1357.1 updates the definition of significant agency action in section 2 and adds new section 22. Fiscal impacts to the Department of Health (department) have changed as a result of this substitute.

Section 3: Adds a new section, Environmental Justice Obligations for All Agencies, stating the department of health (department).

Section 4: Adds a new section to chapter 43.70 RCW, Department of Health, for Environmental Justice Obligations of the Department of Health, stating the department must apply and comply with the substantive and procedural requirements of chapter 70A--- RCW (the new chapter create in section 22 of this act).

Section 12: Adds a new section, Incorporating Environmental Justice into Agency Strategic Plans, stating the department shall include an environmental justice implementation plan into their strategic plan by January 1, 2023 and carry out the requirements of this section. The department intends to include a general plan for implementation across the agency and will not create specific environmental justice implementation plans for each agency program. The department assumes environmental justice council (council) guidance will be available by January 2022. The department intends to update the agency strategic plan in 2022 therefore there is no fiscal impact for this section.

Section 13: Adds a new section, Equitable community Engagement and Public Participation, stating (1) By July 1, 2022 the department must create and adopt a community engagement plan that describes how it will engage with overburdened communities and vulnerable populations as it evaluates new and existing activities and programs. Also states that the department (2) must regularly conduct compliance reviews of existing laws and policies that guide community engagement and (3) consider guidelines developed by the council. The department assumes council guidance will be available no later than six months following the first meeting of the council in September 2021. The department has an existing community engagement plan and will update the plan with consideration of the council's guidance within existing resources. There is no fiscal impact for this section.

Section 14: Adds a new section, Environmental Justice Assessment, stating (1) the department must conduct an environmental justice assessment as described in this section when considering a significant agency action. By July 1, 2023, (2) the department must develop a process for conducting environmental justice assessments. Based on the assessment, (5) the department must reduce or eliminate the negative impacts and maximize the benefits created by the action. The department must also develop rules for criteria and procedures applicable to environmental justice assessments and its decisions based on those assessments. If impacts cannot be mitigated, (6) the department must provide a clear explanation. Prior to implementation, (7) the department must consider guidelines from the council in developing the environmental justice assessment process under section 19 of this act.

Section 16: Adds a new section, Environmental Justice Obligations of Agencies Relating to Budgets and Funding, stating (1) By July 1, 2023 the department must incorporate environmental justice principles into its decision process for budget development, making expenditures, granting or withholding benefits, and equitably distributing funding in order to direct funding and expenditures towards overburdened communities and vulnerable populations. The department (3) may develop rules for criteria and procedures applicable to incorporating environmental justice principles in expenditure decisions under this section. Prior to implementation, (4) agencies must consider guidelines developed by the council in incorporating environmental justice principles into budgeting and funding criteria for making budgeting and funding decisions developed under section 20 of this act.

Section 17: Adds a new section, Reporting Requirements, stating the department shall, (1) by September 1st of each year, annually update the environmental justice council on the development and implementation of environmental justice implementation in the department's strategic plan, budgeting and funding criteria for making budgeting and

funding decisions, and community engagement plan. (2) Beginning in 2024, the department must include updates on environmental justice assessments and by September of each year beginning in 2024, publish a dashboard report or an updated dashboard report, in a uniform, dashboard format on the office of financial managements website, delineating its progress on implementing the environmental justice implementation component of its strategic plan and its environmental justice assessments of proposed significant agency actions. The department assumes this work will be covered in other sections therefore there is no fiscal impact for this section.

Section 18: Adds a new section, Tribal Consultation, stating the department must offer consultation with Indian tribes on decisions that affect Indian tribes' rights and interests in their tribal lands. A consultation framework must be developed in coordination with tribal governments that includes best practices, protocols for communication, and collaboration with Indian tribes. The department has a tribal consultation framework, offers tribal consultation, and can update the framework within existing resources therefore this section creates no fiscal impact.

Section 19: Adds a new section to chapter 43.70 RCW, Department of Health, for Environmental Health Disparities Map, stating (1) the department, in consultation with the environmental justice council established in section 19 of this act, must continue to develop and maintain an environmental health disparities map with the most current available information necessary to identify cumulative environmental health impact sand overburdened communities. The department (2) may also consult with other interested partners and (3) must request assistance from the University of Washington (UW); other academic researchers; and other state agencies. The department (4) must (a) document and publish a summary of the regular updates and revisions to the environmental health disparities map that happen over time as the new data becomes available and (b) at least every three years, performs a comprehensive evaluation of the map to ensure that the most current modeling and methods available to evaluate cumulative environmental health impacts are being utilized to develop and update the environmental health disparities map's indicators, (c) develop technical guidance including an online training video, and (d) provide support and consultation to agencies on use of the environmental health disparities map.

Section 20: Adds a new section, Environmental Justice Council, which (1) establishes the environmental justice council which (2) will consist of 12 members, appointed by the governor except for the appointment of (b) two members which will appointed by the Governor's Office of Indian Affairs. The department will designate an executive level staff person to serve as a non-voting ex officio liaison. The department (4) shall appoint a manager who is responsible for overseeing all staffing and administrative duties of the council and the department shall provide all administrative and staff support for the council. The department (5) in collaboration with the Office of Equity, OFM, and the environmental justice council, must established standards for the collection, analysis, and reporting of disaggregated data, create a state wide and agency-specific process and outcome measures to show performance, create an online performance dashboard and (6) coordinate with the Office of Privacy and Data Protection to address cybersecurity and data protection for all data collected by the department. The department (8) must convene an interagency work group including staff from each agency directed to implement the environmental justice provisions. The department shall provide assistance by developing and providing assessment tools, provide technical assistance and compiling resources, and conducting training. The council will make recommendations to agencies on the identification of significant agency actions requiring environmental justice assessment. The council (10) must convene by January 1, 2022 and the department assumes the council will hold their first meeting in September 2021 and that work group will hold their first meetings in November 2021. The department assumes additional sub-committee work for both the council and interagency work group.

Section 21: Adds a new section, Legal Obligations, which (1) states nothing in this act prevents other state agencies from adopting environmental justice policies and processes consistent with this act and (2) provides exemptions to the requirements of sections 14 and 16 of this act.

Section 22: Adds a new section, Appeals, which (1) states that agency actions subject to the requirements of this chapter may be appealed. (2) That the act does not create a new private right of action.

## **II. B - Cash receipts Impact**

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency , identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources . Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates . Distinguish between one time and ongoing functions .*

None

## **II. C - Expenditures**

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation ), identifying by section number the provisions of the legislation that result in the expenditures (or savings ). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates . Distinguish between one time and ongoing functions .*

### **NO FISCAL IMPACT**

Section 22: Appeals – Agency actions, that are subject to or result from the requirements of this chapter, may be appealed. Based on the departments current appeals rate the department does not anticipate any appeals resulting from this section, therefore no fiscal impact. While the department does not assume fiscal impact for the purposes of this fiscal note the department will continually monitor to determine if funding for this work is needed in the future.

### **PROGRAM ADMINISTRATION**

Section 14: The department will develop a process for conducting environmental justice assessments when considering a significant agency action. By July 1, 2024 the department will develop the environmental justice assessment process consider the guidance from and in iterative consultation with the council. The department assumes the guidelines established by the council in Section 20 will be developed no later than September 2022.

Work will include:

- Identifying significant agency actions including significant rule makings and proposed agency legislation.
- Identifying additional significant agency actions that should use environmental justice assessments.
- Consulting iteratively with the environmental justice council regarding the environmental justice assessment process.
- Developing and maintaining rules for criteria and procedures for conducting environmental justice assessments considering council guidelines.
- Developing and maintaining guidance documents.
- Assessing cumulative impact assessments and determining what tools will be used for conducting environmental justice assessments.
- Holding a public comment period on the types of actions that are significant agency actions, publishing on the DOH website the types of actions, and providing notification in the Washington State Register.
- Conducting an environmental justice assessment when considering a significant agency action.

Assuming the guidelines established by the council in Section 20 are developed no later than September 2022, the department will identify significant agency actions in consultation with the council, develop a draft environmental justice assessment process, consult iteratively with the council regarding the process, assess cumulative impact assessments and determine tools for conducting assessments, develop rules for criteria and procedures, and develop guidance documents by July 1,2024. Beginning July 1, 2024, the department will conduct environmental justice assessments when considering significant agency actions, maintain the rules for criteria and procedures, and maintain guidance documents.

One-time work in FY 2022 and FY 2023 will be done to identify significant agency actions and develop the process for conducting environmental assessments. Starting in FY 2024, the department will conduct ongoing work associated with environmental assessments and assumes 4-8 rule making efforts, 0-1 significant proposed agency legislation, 0-2 new state funded grants, and 2-4 additional significant agency actions annually. The department assumes 4-11 of the activities will be simple and require 40 hours for each activity and that 2-4 of the activities will be complex and require

100 hours for each activity. The department assumes there will be no \$25,000,000 existing grant or loan programs and no major capital and transportation projects of at least \$5,000,000. For purposes of this fiscal note the department assumes fiscal impacts based on the high end.

Total environmental justice assessment costs are ;  
FY 2022 – 0.7 FTE and \$85,000 (GFS),  
FY 2023 – 0.7 FTE and \$85,000 (GFS),  
FY 2024 – 0.6 FTE and \$65,000 (GFS), and each year thereafter

Section 16: By July 1, 2023, the department will incorporate environmental justice principles into its decision process for budget development, making expenditures, granting or withholding benefits, and equitably distributing funding in order to direct funding and expenditures towards overburdened communities and vulnerable populations. The department's process will consider the guidelines issues by and in iterative consultation with the council. The department assumes the guidelines established by the council in Section 20 will be developed no later than September 2022.

Work will include:

- Assessing existing work for where environmental justice principles can be incorporated into the department's budgeting work.
- Consulting iteratively with the environmental justice council.
- Developing and maintaining guidance documents.
- Developing rules for criteria and procedures applicable to incorporating environmental justice principles in expenditure decisions considering council guidelines.
- Maintaining guidance document and continuously incorporating environmental justice principles into expenditure decisions

Total environmental justice principles costs are ;  
FY 2022 – 0.3 FTE and \$36,000 (GFS),  
FY 2023 – 0.1 FTE and \$17,000 (GFS), and each year thereafter

## HEALTH DISPARITIES MAP

Section 19: The department will develop and maintain an environmental health disparities map using the most currently available information to identify cumulative environmental health impacts and overburdened communities. The department will publish a summary of updates and revisions and must perform a comprehensive evaluation of the map at least every three years. Based on experience developing the Environmental Health Disparities map and a map for the Clean Energy Transformation Act the department will contract with a community-based organization (s) to hold three listening sessions which will cost an average of \$40,000 each year.

Work will include:

- Maintaining and adding new data to the Environmental Health Disparities (EHD) Map.
- Working with UW, and other interested partners to add new evidence-based indicators to the map.
- Working with UW on updating some of the current data, and reviewing the modeling and sensitivity analysis, and comprehensive evaluation of the map.
- Documenting and publishing a summary of the regular updates and revisions to the environmental health disparities map.
- Developing an interactive and regularly updated dashboard to track changes in environmental health disparities.
- Consulting with agencies on their needs, developing technical assistance resources, and developing a training video.

Assumptions:

- UW would be modeling and providing some of the environmental data to maintain the EHD map, and the department would add these to the map, and update other measures.
- UW would take the lead on measuring the link between environmental data, vulnerable population characteristics, such as race and income, and human health data.
- UW would take the lead on performing modeling and create evidence-based indicators and with conducting sensitivity analyses to assess the impact of new indicators on communities and determination of an overburdened community.
- UW would take the lead on performing a comprehensive evaluation of the map to ensure that the most current modeling and methods available to evaluate cumulative environmental health impacts are being utilized to develop and update the environmental health disparities map's indicators, at least every three years.

Total costs for the health disparities map are ;

FY 2022 – 2.3 FTE and \$333,000 (GFS),

FY 2023 – 2.2 FTE and \$308,000 (GFS) and each year thereafter.

## ENVIRONMENTAL JUSTICE COUNCIL & WORKGROUP

Section 20: Establishes an environmental justice council which will consist of 12 members that must convene by January 1, 2022. Additionally, one executive level member will participate in the council to represent the department. The council will meet four to six times per year starting September 2021, the majority of meetings will be held virtually, and one to two meetings will take place in person which will be held in Western and or Eastern Washington facilities with the assumption of \$2,500 per facility. The department assumes compensation per RCW 43.03.250 will be offered to nongovernmental members (\$2,200 per year) and per diem will be offered to nongovernmental members for in person meetings (\$6,600 per year).

The section also establishes an interagency work group comprised of all agencies tasked with complying with the environmental justice components of this bill. The department will staff the interagency work group and have one staff person serve as a member of the interagency work group. The department assumes that the workgroup will meet four to six times a year in coordination and support of the council meetings. The department assumes that each meeting will consist of 16 hours of staff time (4 hours of prep, 8 hours meeting, 4 hours follow-up). Assuming the first interagency work group meeting is health in the fall of 2021, the department assumes 0.1 FTE WMS2 in FY 2022 and ongoing to attend and participate in work group activities.

The department will hire the manager and administrative staff support for the council. Council work will be conducted mainly by staff, based on discussions with those involved with past work, department believes it will need program staff and administrative staff to support the manager and the council in its work. Staffing the environmental justice council and interagency work group will include coordinating and convening the council and interagency work group, engaging with communities, liaising with state agencies implementing this bill, drafting guidelines for council review and approval, coordinating with performance management staff, reviewing reports and dashboard, preparing materials and information for the council. Assuming the first council meeting is held in the fall of 2021, the department assumes 1.0 FTE WMS2, 1.7 FTE MA5, and 0.5 FTE AA4 in both FY 2022 and FY 2023. Assuming all guidance is developed by January 1, 2023, the staff needed to support the council and interagency work group includes 1.0 FTE WMS2, 1.2 FTE MA5, and 0.5 FTE AA4 in FY 2024 and ongoing.

The department assumes that performance management staff will be engaged in establishing, updating, and maintaining standards for the collection, analysis, and reporting of disaggregated data; creating statewide and agency-specific processes and outcome measures to show performance; and developing an online performance dashboard. The department assumes OFM will develop and host the online performance dashboard and that OFM Results Washington staff will be very involved in developing and maintaining the performance measures. The department assumes this work will require the support of 0.3 FTE MA5 in FY 2022 and each year thereafter.



This fiscal note assumes the level of compensation for the council as a class one group – the correct designation based on the council’s duties and responsibilities in the bill. However, the bill sets compensation for the council as a class four group. This creates a conflict with the definitions in the class four group statute, RCW 43.03.250. If the intent is to compensate this group as a class four group, then either the council’s duties in the bill or the class four group statute should be amended. Note that calculating compensation at the class four level would increase the amount assumed by the fiscal note.

Travel assumptions for 12 nongovernmental council members to attend in person meetings :

- \$187 per council member meals & lodging (average of Spokane & Thurston county rates)
- \$364 per council member personal vehicle mileage (650 miles round trip x \$0.56)
- \$200 per council member pay (\$100 x 2)

Work will include:

- Planning, coordinating, and convening meetings of the council and interagency work group.
- Advising the council chair and members, supervising staff, and ensuring all council statutory requirements and reporting are being met.
- Supporting the council and interagency work group in developing timelines to meet requirement and reporting deadlines, making recommendations regarding significant agency actions, prioritizing actions and activities, and ensuring effective iterative consultation.
- Distributing council member per diems and compensation, tracking budgets, completing all necessary procurements and contracts for in person meetings.
- Working with agencies to fulfill the requirements outlined around agency strategic plans, engagement plans, processes for conducting environmental justice assessments, budgeting and funding processes, guidelines, best practices, technical assistance, reviewing dashboards.
- Engaging with communities to inform guideline development and agency work. Helping to engage communities for council meetings and actions.
- Facilitating information sharing among agencies, providing technical assistance, developing tools, training staff.
- Establishing standards for the collection, analysis, and reporting of disaggregated data, creating statewide and agency-specific processes and outcome measures to show performance.
- Creating an online performance dashboard in coordination with the Office of Equity and OFM.

Total costs for the council & workgroup;

FY 2022 – 5.3 FTE and \$648,000 (GFS),

FY 2023 – 5.3 FTE and \$630,000 (GFS),

FY 2024 – 4.6 FTE and \$546,000 (GFS) and each year thereafter.

Total costs for this bill;

FY 2022 – 8.7 FTE and \$1,102,000 (GFS),

FY 2023 – 8.3 FTE and \$1,040,000 (GFS),

FY 2024 – 7.4 FTE and \$936,000 and each year thereafter.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
001-1	General Fund	State	1,102,000	1,040,000	2,142,000	1,872,000	1,872,000
<b>Total \$</b>			1,102,000	1,040,000	2,142,000	1,872,000	1,872,000

**III. B - Expenditures by Object Or Purpose**

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	8.7	8.3	8.5	7.4	7.4
A-Salaries and Wages	676,000	651,000	1,327,000	1,168,000	1,168,000
B-Employee Benefits	245,000	235,000	480,000	418,000	418,000
C-Professional Service Contracts	40,000	40,000	80,000	80,000	80,000
E-Goods and Other Services	51,000	50,000	101,000	90,000	90,000
G-Travel	7,000	7,000	14,000	14,000	14,000
J-Capital Outlays	23,000		23,000		
T-Intra-Agency Reimbursements	60,000	57,000	117,000	102,000	102,000
9-					
<b>Total \$</b>	1,102,000	1,040,000	2,142,000	1,872,000	1,872,000

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2022	FY 2023	2021-23	2023-25	2025-27
ADMINISTRATIVE ASST 4	56,856	0.5	0.5	0.5	0.5	0.5
Board Member FTE @ 50 per day		0.2	0.2	0.2	0.2	0.2
COMMUNICATIONS CONSULTANT 4	72,756	0.1		0.1		
EPIDEMIOLOGIST 2 (NON-MEDICAL)	95,484	1.5	1.5	1.5	1.5	1.5
Fiscal Analyst 2	53,000	1.4	1.3	1.4	1.2	1.2
Health Svcs Conslt 1	53,000	1.2	1.1	1.2	0.9	0.9
MANAGEMENT ANALYST 5	88,644	2.7	2.6	2.7	2.0	2.0
WMS02	110,760	1.1	1.1	1.1	1.1	1.1
<b>Total FTEs</b>		8.7	8.3	8.5	7.4	7.4

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact****IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods*

NONE

**IV. D - Capital FTE Detail:** *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part IVB*

NONE

None

**Part V: New Rule Making Required**

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5141 SB 5141-S2.E AMH ENVI H1357.1	<b>Title:</b> Env. justice task force reccs	<b>Agency:</b> 360-University of Washington
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.5	0.5	0.5	1.8	0.5
<b>Account</b>					
General Fund-State 001-1	60,041	60,041	120,082	120,082	120,082
<b>Total \$</b>	60,041	60,041	120,082	120,082	120,082

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact . Factors impacting the precision of these estimates , and alternate ranges (if appropriate ) , are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Dan Jones	Phone: 360-786-7118	Date: 03/25/2021
Agency Preparation: Jessie Friedmann	Phone: 206-685-8868	Date: 03/31/2021
Agency Approval: Kelsey Rote	Phone: 2065437466	Date: 03/31/2021
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 03/31/2021

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

This "striker" amendment makes a number of changes to this bill. However, these changes do not have an impact on the University of Washington, and the fiscal impact of this bill has not changed from the previous fiscal note.

This bill is based on recommendations developed by the Environmental Justice Task Force's report entitled, "Report to the Washington state governor and legislature, Environmental Justice Task Force: Recommendations for Prioritizing EJ in Washington State Government (October 2020)." The bill requires some state agencies to develop an environmental justice implementation plan and integrate the plan into the Agency's strategic plan, and seeks to reduce environmental health disparities and achieve environmental justice in the agency's programs.

The below sections would have an impact:

Section 11 allows any state agencies to opt in to the requirements set forth in this bill. It is our assumption that the UW would not opt in, and would thus have no fiscal impact.

Section 19 would allow the Washington State Department of Health (DOH) will continue to develop and maintain an environmental health disparities map. To this end, DOH may "consult with other interested parties, such as the UW Department of Environmental & Occupational Health Sciences" (DEOHS). In consultation with DOH, it was decided that DEOHS would give assistance to DOH on the following items required in the bill :

- o "Measure the link between environmental data, vulnerable population characteristics, such as race and income, and human health data."
- o "Perform modeling and create evidence-based indicators and with conducting sensitivity analyses to assess the impact of new indicators on communities and determination of an overburdened community."
- o "At least every three years, perform a comprehensive evaluation of the map to ensure that the most current modeling and methods available to evaluate cumulative environmental health impacts are being utilized to develop and update the environmental health disparities map's indicators."

### II. B - Cash receipts Impact

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

### II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

As previously mentioned, Section 11 allows any state agencies to opt in to the requirements set forth in this bill. It is our assumption that the UW would not opt in, and would thus have no fiscal impact. If the UW did opt in, costs would increase.

In consultation with DOH, it was decided that DEOHS would give assistance to DOH on the following items required in Section 19 of this bill:

- Sec. 19 (1)(b) "Measure the link between environmental data, vulnerable population characteristics, such as race and income, and human health data."
- Sec. 19 (3)(b) "Perform modeling and create evidence-based indicators and with conducting sensitivity analyses to assess the impact of new indicators on communities and determination of an overburdened community."
- Sec. 19 (4) (b) "At least every three years, perform a comprehensive evaluation of the map to ensure that the most current modeling and methods available to evaluate cumulative environmental health impacts are being utilized to

develop and update the environmental health disparities map's indicators.”

Accomplishing these tasks, at the request of DOH, would require data acquisition, data quality assessment, analyses, coordination with DOH, and evaluation activities performed by the following personal consistent with the effort listed in the FTE description:

- Dr. Edmund Seto (Associate Professor) was involved in the development of the Washington Environmental Health Disparities Map and will supervise academic activities of the analysis and evaluation requested by DOH.
- Dr. Esther Min (Research Consultant) was involved in the development of the Washington Environmental Health Disparities Map and will contribute to new data analyses, assessment of the linkages between environmental exposure data and population vulnerability, and the evaluation requested by DOH.
- A Graduate Research Assistant with domain expertise in the indicators requested by DOH will contribute to new data analyses for the creation of new mapping indicators.

**SALARIES & WAGES and EMPLOYEE BENEFITS (Annually, beginning in FY22):**

- An Associate Professor (annual salary of \$158,748 and benefits rate of 24.0%) for 0.05 FTE (\$9,842 total)
- A Research Consultant (annual salary of \$86,400 and benefits rate of 30.3%) for 0.30 FTE (\$33,774 total)
- A Graduate Student Research Assistant (annual salary of \$67,536 and benefits rate of 22.4%) for 0.125 FTE (\$10,333 total)

**OTHER - TUITION:**

- Required tuition payment for one (1) graduate student Research Assistant for one (1) academic quarter per fiscal year FY22-FY27 (\$6,092 each year)

**OVERALL TOTAL:**

The total expenditures associated with this bill would be \$60,041 per fiscal year beginning in FY22.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
001-1	General Fund	State	60,041	60,041	120,082	120,082	120,082
<b>Total \$</b>			60,041	60,041	120,082	120,082	120,082

### III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.5	0.5	0.5	1.8	0.5
A-Salaries and Wages	42,299	42,299	84,598	84,598	84,598
B-Employee Benefits	11,650	11,650	23,300	23,300	23,300
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-Tuition	6,092	6,092	12,184	12,184	12,184
<b>Total \$</b>	60,041	60,041	120,082	120,082	120,082

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2022	FY 2023	2021-23	2023-25	2025-27
Associate Professor	158,748	0.1	0.1	0.1	0.1	0.1
Research Assistant	67,536	0.1	0.1	0.1	0.1	0.1
Research Consultant	86,400	0.3	0.3	0.3	1.7	0.3
Total FTEs		0.5	0.5	0.5	1.8	0.5

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods*

NONE

**IV. D - Capital FTE Detail:** *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part IVB*

NONE

**Part V: New Rule Making Required**

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5141 SB 5141-S2.E AMH ENVI H1357.1	<b>Title:</b> Env. justice task force reccs	<b>Agency:</b> 405-Department of Transportation
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	2.6	5.1	3.8	19.8	20.8
<b>Account</b>					
Motor Vehicle Account-State 108-1	325,000	701,000	1,026,000	5,072,000	5,324,000
<b>Total \$</b>	325,000	701,000	1,026,000	5,072,000	5,324,000

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact . Factors impacting the precision of these estimates , and alternate ranges (if appropriate ) , are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Dan Jones	Phone: 360-786-7118	Date: 03/25/2021
Agency Preparation: Carol Lee Roalkvam	Phone: 360-705-7126	Date: 04/01/2021
Agency Approval: Eric Wolin	Phone: 360-705-7487	Date: 04/01/2021
OFM Review: Ruth Roberson	Phone: (360) 995-3826	Date: 04/01/2021



## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

see attached fiscal note

### II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

none

### II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
108-1	Motor Vehicle Account	State	325,000	701,000	1,026,000	5,072,000	5,324,000
Total \$			325,000	701,000	1,026,000	5,072,000	5,324,000

### III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	2.6	5.1	3.8	19.8	20.8
A-Salaries and Wages	240,000	523,000	763,000	3,753,000	3,940,000
B-Employee Benefits	85,000	178,000	263,000	1,319,000	1,384,000
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	325,000	701,000	1,026,000	5,072,000	5,324,000

### III. C - Operating FTE Detail: List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA

Job Classification	Salary	FY 2022	FY 2023	2021-23	2023-25	2025-27
Management Analyst 4	80,292	0.8	0.3	0.5	0.5	0.5
Transportation Planning Specialist 3	82,344	0.3		0.1		
Transportation Planning Specialist 4	90,888				14.6	15.6
Transportation Planning Specialist 5	100,320	1.5	4.8	3.1	4.6	4.6
WMS4	149,292	0.1	0.1	0.1	0.1	0.1
Total FTEs		2.6	5.1	3.8	19.8	20.8

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods*

NONE

**IV. D - Capital FTE Detail:** *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part IVB*

NONE

**Part V: New Rule Making Required**

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5141-S2. E AMH ENVI H1357.1	<b>Title:</b> Implementing Recommendations of the Environmental Justice Task Force	<b>Agency:</b> 405-Department of Transportation
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## Part I: Estimates

Check applicable boxes and follow corresponding instructions, use the fiscal template table provided to show fiscal impact by account, object, and program (if necessary), **add rows if needed**. If no fiscal impact, check the box below, skip fiscal template table, and go to Part II to explain briefly, why the program believes there will be no fiscal impact to the department.

☐ No Fiscal Impact (Explain in section II. A)

*If a fiscal note is assigned to our agency, someone believes there might be, and we need to address that, showing why there is no impact to the department.*

☐ Indeterminate Cash Receipts Impact (Explain in section II. B)

☒ Indeterminate Expenditure Impact (Explain in section II. C)

☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, **complete entire fiscal note form Parts I-V**

☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, **complete entire fiscal note form Parts I-V**

☐ Capital budget impact, **complete Part IV**

☐ Requires new rule making, **complete Part V**

☐ Revised

*The cash receipts and expenditure estimates on this fiscal template represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*



SB5141 - S2.E AMH  
ENVI H1357.1 Works

## Agency Assumptions

N/A

## Agency Contacts:

Preparer: Carol Lee Roalkvam	Phone: 360-791-4856	Date: 3/30/2021
Approval: Eric Wolin	Phone: 206-240-4497	Date: 3/30/2021
Budget Manager: Stacey Halverstadt	Phone: 360-705-7544	Date: 3/30/2021

# Individual State Agency Fiscal Note

## Part II: Narrative Explanation

### II. A - Brief description of what the measure does that has fiscal impact

*Briefly describe by section number (sections that will change WSDOT costs or revenue), the significant provisions of the bill, and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency. List the sections that have fiscal impact to WSDOT only. E.g., "Section 3 directs the Department to ..." No summarizing, no interpreting, and save any background context for the revenue and expenditure parts.*

**There were extensive changes in the striker amendment compared to the previous version of the bill (E2SSB 5141). The most significant change that caused increased fiscal impact was under section 14 regarding Significant Agency Actions and Environmental Justice Assessments.**

The striking amendment:

- narrows the definition of "significant agency actions" for which covered agencies must conduct an environmental justice assessment to the following five categories: (1) significant legislative rules; (2) new grant or loan program development and adoption; (3) the allocation of at least \$25 million in a single funding round through a grant or loan program; (4) major capital and transportation projects of at least \$5 million; and (5) the development of agency request legislation;
- establishes a process for covered agencies to identify and periodically evaluate additional types of significant agency actions beyond the five categories included in the definition, and requires covered agencies to consider other agency actions that may be significant by 2025;
- requires each covered agency to publish by July 1, 2023, a list of actions that the agency has determined is a significant agency action, and for which environmental justice assessments must be completed;
- clarifies that environmental justice assessment requirements apply only to significant agency actions initiated after July 1, 2023;
- specifies that the issuance of forest practice permits and sale of timber from state lands and state forestlands do not require an environmental justice assessment;
- requires the Council to provide guidance to covered agencies on the agency activities that are automatically defined as significant agency actions, and to make recommendations to covered agencies as to which other agency actions should be considered significant agency actions because they may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community; and
- requires covered agencies to periodically evaluate their list of identified significant agency actions.

While there is no explicit environmental justice requirement in current state law, the Washington State Department of Transportation (WSDOT) is guided by current agency policy and federal policy on environmental justice (EJ) and inclusive community engagement. As the department is a direct recipient of federal financial assistance, it is required to comply with Title VI of the Civil Rights Act of 1964 (Title 23 CFR Part 200 and Title 49 CFR Part 21), as well as related statutes and regulations.

This bill would implement recommendations of the environmental justice task force.

Section 2 has definitions that apply throughout the bill. Section 2 (11) focuses the term "significant agency actions" for which covered agencies must conduct an environmental justice assessment on the following five categories: (1) significant legislative rules; (2) new grant or loan program development and adoption; (3) the allocation of at least \$25 million in a

# Individual State Agency Fiscal Note

single funding round through a grant or loan program; (4) major capital and transportation projects of at least \$5 million; and (5) the development of agency request legislation; and (6) any other agency actions deemed significant by a covered agency under the process established in Section 14.

Section 9 amends RCW 47.01 to add a new section – ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF TRANSPORTATION – and adds a reference to this act stating that the department must apply and comply with the substantive and procedural requirements of this act.

Section 12 directs the department to incorporate an environmental justice implementation part to its strategic plan by January 1, 2023. It is assumed any guidance from the council, for consideration, would come by June 2022.

Section 13 directs the department to create and adopt by July 1, 2022, a community engagement plan that describes how it will engage with overburdened communities and vulnerable populations as it evaluates new and existing activities and programs. WSDOT has a community engagement plan; however, the bill adds new required elements to be completed consistent with guidelines from the council (Section 20). One new element is to include “processes that facilitate and support the inclusion of members of communities affected by agency decision making including, but not limited to, childcare, and reimbursement for travel and other expenses.” In addition, Section 13(2) requires regular compliance reviews. It is assumed any guidance from the council, for consideration, would come by January 2022.

Section 14 directs the department to conduct an environmental justice assessment when considering a significant agency action. The department would be required to reduce or eliminate the negative impacts revealed by the assessment and maximize the benefits created by the action on overburdened communities. By July 1, 2023, the department must develop a process for conducting these assessments and determining what actions prompt an assessment as well as have identified which agency actions will trigger an assessment. By July 1, 2023 and periodically thereafter, covered agencies must publish online the types of agency actions that will trigger an EJ assumption under this section and the definition provided in Section 2.

Section 16 directs the department to incorporate environmental justice principles into its decision processes for budget development, making expenditures, grant making or withholding benefits, and equitably distribute funding and investments towards overburdened communities and vulnerable populations.

Section 16(2) states that by July 1, 2023, the department must:

- (a) Focus expenditures on creating environmental benefits, including eliminating health burdens, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- (b) Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency spending and expenditure decisions.
- (c) Clearly articulate environmental justice goals and assessment metrics to communicate where, why, and how funds are to be distributed.
- (d) Consider a broad scope of grants and contracting opportunities that effectuate environmental justice principles.

It is assumed any guidance, for consideration, from the council would come by September 2022. In implementation of this section, agencies shall adhere to the enacted budget in terms of budget provisos and legislative project or grant lists and any other statutes with conditions or limitations on the agency’s appropriations. Section 16(5) states “a covered agency may not take actions or make expenditures under this section that are inconsistent with or conflict with other statutes or with conditions or limitations on the agency’s appropriations.”

Section 17 directs the department to annually update the environmental justice council. Beginning in September 2024, the department must publish/update a dashboard report.

Section 18 directs the department to consult with both federally recognized and unrecognized tribes on all significant agency actions, programs, and distribution of state funds that affect tribes’ rights and interests in their tribal lands; as well as to develop a consultation framework, regardless of whether the agency receives a request for consultation.

Section 19 directs the Department of Health to develop and maintain an environmental health disparities map. Other state agencies are to provide applicable data.

# Individual State Agency Fiscal Note

Section 20 establishes the *Environmental Justice Council*. Agencies named in the bill are to serve as nonvoting, ex officio liaisons to the council and must identify an executive team level staff person to participate. In addition, it requires agencies to consider guidance developed by the council and to work in an iterative fashion with the council. An interagency work group is also established, the department is named to the work group. Several tasks and reporting duties are contained in this section. The council is to convene by January 1, 2022.

Section 21 outlines the legal obligations of the act and provides for exceptions to the requirements of sections 14 and 16 for reasons including if an agency head determines that any delay in the agency action poses a threat to human health or the environment or causes serious harm to the public interest.

Section 22 specifies that agency actions that are subject to or result from the environmental justice requirements applicable to covered agencies may be appealed under the Administrative Procedures Act. The new environmental justice requirements do not create a new private right of action against any state agency.

## II. B - Cash receipts Impact

*Contact BFA-Economics to share your assumptions, and calculations. BFA-Economics will review and confirm cash receipts assumptions and calculations with program SMEs and will provide the cash receipts narrative to ensure that the message is consistent and the narrative flows as one voice of the department. BFA-Economics will briefly describe section by section and quantify the cash receipts impact of the legislation on WSDOT, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources.*

None

## II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

**There were extensive changes in the striker amendment compared to the previous version of the bill (E2SSB 5141). The most significant change that caused increased fiscal impact was under section 14 regarding Significant Agency Actions and Environmental Justice Assessments.**

The striking amendment:

- narrows the definition of "significant agency actions" for which covered agencies must conduct an environmental justice assessment to the following five categories: (1) significant legislative rules; (2) new grant or loan program development and adoption; (3) the allocation of at least \$25 million in a single funding round through a grant or loan program; (4) major capital and transportation projects of at least \$5 million; and (5) the development of agency request legislation;
- establishes a process for covered agencies to identify and periodically evaluate additional types of significant agency actions beyond the five categories included in the definition, and requires covered agencies to consider other agency actions that may be significant by 2025;
- requires each covered agency to publish by July 1, 2023, a list of actions that the agency has determined is a significant agency action, and for which environmental justice assessments must be completed;
- clarifies that environmental justice assessment requirements apply only to significant agency actions initiated after July 1, 2023;
- specifies that the issuance of forest practice permits and sale of timber from state lands and state forestlands do not require an environmental justice assessment;

# Individual State Agency Fiscal Note

- requires the Council to provide guidance to covered agencies on the agency activities that are automatically defined as significant agency actions, and to make recommendations to covered agencies as to which other agency actions should be considered significant agency actions because they may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community; and
- requires covered agencies to periodically evaluate their list of identified significant agency actions.

**Section 2** contains the definition of significant agency actions. For the purposes of this fiscal note, WSDOT assumes that any transportation project of at least \$5 million will require an environmental justice assessment under Section 14. Environmental justice assessments will also be required of agency request legislation, new grant or loan programs, grants, or loans with at least \$25 million in a single funding round, and additional actions to be determined. This definition ties to ongoing work required in Section 14. Section 2 does not contain the qualifying statements that are in Section 14 which could narrow the set of activities requiring an assessment to only those that may cause environmental harm or affect the equitable distribution of environmental benefits. The department assumes that the guidance developed by the Environmental Justice Council will clarify whether all projects or actions trigger an assessment or only those that may cause harm or affect benefits.

**Section 12** requires the department to update its agency strategic plan to incorporate an environmental justice implementation component by January 2023. The plan must include agency-specific goals and deliverables (which include the community engagement plan in Section 13), metrics, methods, and strategies to ensure compliance. The department must consider any guidance from the Environmental Justice Council. It is assumed any guidance from the council established in Section 20 would come by January 2022. WSDOT's current strategic plan contains goals and strategies for inclusion and diverse workforce but it does not contain the required elements. Staff costs associated with this section are 0.25 FTE of a Management Analyst 4 in fiscal year 2022 and fiscal year 2023.

**Section 13** requires the department to create and adopt a community engagement plan that describes how it will engage with overburdened communities and vulnerable populations as it evaluates new and existing activities and programs. The department estimates new costs associated with updating WSDOT's current community engagement plan to meet the guidelines that will be developed by those in Section 20. This effort must be completed by July 1, 2022. Section 13 (1) requires the plan to describe how the department will identify and prioritize overburdened communities, overcome barriers to engagement, use screening tools, and more. Section 13 (2) requires increased staff effort to regularly conduct compliance reviews of existing laws and policies that guide community engagement, including Title VI of the Civil Rights Act, Washington Executive Order 05-03, and federal Executive Order 13166. Per the lead agency assumptions, Staff costs associated with this section are 0.25 FTE of a Transportation Planning Specialist 3 in fiscal year 2022 to assist in drafting the plan; 1.0 FTE, Transportation Planning Specialist 5, in fiscal year 2022 to ensure the updated plan meets all the requirements of this section; and 0.5 FTE of a Management Analyst 4 in fiscal year 2022 for the Office of Equal Opportunity to provide technical assistance in the update and to lead the initial compliance reviews. Compliance reviews after fiscal year 2022 will be conducted by staff identified in Section 16.

The department did not estimate the costs associated with implementing the new community engagement strategies, including such expenses associated with providing childcare and travel reimbursement. The work to implement meaningful public involvement and other implementation actions tied to Sections 12 and 13 is assumed to be done within available resources. The department assumes that many implementation actions associated with Sections 12 and 13 will result in enhanced outreach and meaningful engagement with overburdened communities and vulnerable populations but will not rise to the level requiring an environmental justice assessment (Section 14).

**Section 14** requires the department to conduct an environmental justice assessment when considering a *significant agency action*. The department has existing policy and guidance regarding compliance with Title VI of the Civil Rights Act and a series of federal executive orders on environmental justice. These existing policies generally focus on specific federally funded actions, such as transportation improvement projects that undergo environmental review under the national environmental policy act (NEPA). They do not consider all the decisions or activities of the agency that may have the potential to impact or benefit overburdened communities and vulnerable populations as defined in the bill. Costs

## Individual State Agency Fiscal Note

associated with WSDOT's current environmental justice compliance activities under federal law and policy are not included in this estimate.

This bill expands the environmental justice assessment work required of the department.

By July 1, 2023, WSDOT must develop a process and begin conducting environmental justice assessments on significant agency actions. By July 1, 2025, the department must begin applying environmental justice assessments to any actions in addition to those identified in Section 2(11)(a) through (e).

The department anticipates two types of costs: 1) staff hours to conduct assessments, 2) dedicated staff to provide technical assistance, data analysis and support.



# Individual State Agency Fiscal Note

For this fiscal note, the department assumes an increase in staff costs to complete environmental justice assessments beginning in fiscal year 2024. The department estimate each assessment will require 170 hours of work at the Transportation Planning Specialist 4 level (this includes some work at the TPS-3, 4, and 5). This estimate is based on WSDOT's experience completing environmental justice analyses under federal law, and the fact that we recently updated our project-level guidance to include the use of the environmental health disparities map. Our existing environmental justice policies and procedures work should help to ease the transition necessary to meet the requirements in this section.

Number of agency actions triggering an assessment ranges between 155 and 165 as follows:

Fiscal year 2024 – 150 (highway/ferries/rail projects) + 1 (rule/ legislation) + 3 (\$25 million grant programs) + 1 (new grant or loan) = 155

Fiscal year 2025 – 150 (highway/ferries/rail projects) +2 (rule/legislation) +1 (new grant or loan) = 153

Fiscal year 2026 – 150 (highway/ferries/rail projects) +1 (rule/legislation) + 3 (\$25 million grant programs) +1 (new grant or loan) +10 (additional actions TBD) = 165

Fiscal year 2027 – 150 (highway/ferries/rail projects) +2 (rule/legislation) + 1 (new grant or loan) + 10 (additional actions TBD) = 163

Major projects – the department assumes 150 new projects specific EJ assessments (this is for state projects that do not already have environmental justice evaluations as required by federal policy).

Rulemaking or legislation – the department assumes between 1 and 2 per year.

Grant programs – the department has 3 grant programs that allocate more than \$25 million in a single funding round (Public Transportation has 2, Active Transportation has 1). WSDOT assumes we may get 1 new grant or loan program each year.

Additional actions TBD – the department assumes 10 additional agency actions per year will be identified by WSDOT prior to the deadline of July 1, 2025. These may include transportation planning actions. The department currently conducts collaborative transportation planning activities with tribes, local agencies, and state and regional transportation organizations. However, we estimate that there will be some planning actions that require new level of effort and increased engagement with overburdened communities and vulnerable populations. We've addressed this with a placeholder of 10 additional actions triggering an EJ assessment.

In addition to the staff hours listed above to conduct specific EJ assessments, the department assumes two areas of ongoing work associated with significant actions. First, the department estimates 1.5 FTE at the TPS-5 level beginning in fiscal year 2024 to develop a process and to conduct ongoing work for WSDOT's Public Transportation, Safe Routes to School and Pedestrian/Bicycle Safety grant programs, and WSDOT projects. These programs will require additional resource to satisfy the requirements in this section, particularly the tribal and community outreach and technical assistance elements. This work includes revising program assessments in context of crash and active transportation patterns and other travel demands and transit needs which change over time. Second, the department estimates the Office of Equal Opportunity will need additional staff to provide technical assistance to various teams conducting EJ assessments, to assist in the development of the process for conducting EJ assessments, and to coordinate the identification of other actions that should trigger an EJ assessment. We estimate 0.5 FTE at the Management Analyst 4 fiscal year 2024 ongoing.

**Section 16** requires that WSDOT incorporate environmental justice principles into decision processes related to budget and funding by July 1, 2023. The department assumes any guidance from the council established in Section 20 would come no later than September 2022.

The lead agency assumptions for Section 16(5) are as follows: "In implementation of this section, agencies shall adhere to the enacted budget in terms of budget provisos and legislative project or grant lists and any other statutes with conditions or limitations on the agency's appropriations." The department is still required to incorporate environmental justice principles within funded programs if we are meeting the legislative direction. Discretionary funding decisions made by WSDOT include setting some priorities and criteria (though some are laid out in the budget or RCW) for agency expenditures such as grant programs, environmental retrofit projects, and planning studies.

# Individual State Agency Fiscal Note

The department's implementation of Section 16 will require increased staff time and effort across the agency. WSDOT must establish new budget and funding criteria for making decisions and report on these as required in Section 17. To complete this, the department will have to conduct extensive internal review and external outreach to determine what is considered an expenditure that impacts the health, quality of life and resilience of these communities, and whether it can be counted towards a benefit to vulnerable population and overburdened communities. The department estimates this effort will require the equivalent of 4.25 FTE at the level of a Transportation Planning Specialist 5 in fiscal year 2023; and 3.0 FTEs ongoing (fiscal year 2024 and beyond) to continue the work of developing and maintaining criteria and procedures, and other implementation activities. New activities may include transportation-specific technical assistance to communities that may be new to the grant application process, or outreach and facilitation of environmental programs (such as stormwater retrofit).

**Section 17** requires the department annually update the council on actions required in Sections 12, 13, 14 and 16 by September each year. Costs associated with this section are reflected in the staff level FTE described in Section 20.

**Section 18** requires the department to consult with tribes on all *significant agency actions*. WSDOT has a robust consultation protocol with each tribe, however, these may need to be updated to conform to the direction of the environmental justice council. Costs associated with this section are reflected in the staff level FTE described in Section 20.

**Section 20**, in support of the environmental justice council, WSDOT is required to submit four deliverables for review and approval (strategic plan, process for environmental justice assessments, criteria for budget decisions, and community engagement plan). The department must identify an executive team level staff person to serve as nonvoting, ex officio liaisons to the council. Duties of the council are described in Section 20 (8). The department estimates this will require the equivalent of a WMS4 level 0.05 FTE in fiscal year 2022 and 0.10 FTE in fiscal year 2023 and ongoing.

Section 20 also requires the department to provide staff to serve on the interagency work group. The tasks of the interagency work group are outlined in Section 20 (7)(b). In addition, this staff person is also needed to monitor the internal work necessary to complete several tasks related to implementation of the bill. The department estimates this bill will require the equivalent of 0.5 FTE at the level of a Transportation Planning Specialist 5 in fiscal years 2022 and 2023 and 0.1 FTE ongoing.

**Section 22** provides information about the appeals process. Per the lead agency assumptions, appeals would not come until implementation of the statute beginning July 1, 2023. Appeals could relate to EJ assessments (Sec 14); Actions related to budget or funding (Sec 16), and the list of actions the agency posts as being significant agency actions.

WSDOT assumes the fiscal impact of this section is INDETERMINATE. We are unable to estimate how many appeals would be generated under this section. Appeals of the actual significant agency action taken would occur under the authorizing statute for that action.

WSDOT Staffing Assumptions for Determinate Costs								
Activity	Bill Section	Position Class	FTE FY 22	FTE FY 23	FTE FY 24	FTE FY 25	FTE FY 26	FTE FY 27
Strategic Plan Update	12	Management Analyst 4	0.25	0.25	0.00	0.00	0.00	0.00
Community Engagement Plan	13	Management Analyst 4	0.50	0.00	0.00	0.00	0.00	0.00
Community Engagement Plan	13	Transportation Planning Specialist 3	0.25	0.00	0.00	0.00	0.00	0.00
Community Engagement Plan	13	Transportation Planning Specialist 5	1.00	0.00	0.00	0.00	0.00	0.00
Environmental Justice Assessments	14	Transportation Planning Specialist 4	0.00	0.00	14.70	14.50	15.70	15.50
Environmental Justice Assessments	14	Transportation Planning Specialist 5	0.00	0.00	1.50	1.50	1.50	1.50
Environmental Justice Assessments	14	Management Analyst 4	0.00	0.00	0.50	0.50	0.50	0.50
Incorporate Environmental Justice into Budget Decisions	16	Transportation Planning Specialist 5	0.00	4.25	3.00	3.00	3.00	3.00
Environmental Justice Council Support	20	WMS 4	0.05	0.10	0.10	0.10	0.10	0.10
Interagency Work Group	20	Transportation Planning Specialist 5	0.50	0.50	0.10	0.10	0.10	0.10
Total FTE			2.55	5.10	19.90	19.70	20.90	20.70

## Part III: Expenditure Detail

# Individual State Agency Fiscal Note

## III. A - Expenditures by Object or Purpose

### Part IV: Capital Budget Impact

N/A

### Part V: New Rule Making Required

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

N/A

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5141 SB 5141-S2.E AMH ENVI H1357.1	<b>Title:</b> Env. justice task force recs	<b>Agency:</b> 461-Department of Ecology
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## Part I: Estimates



No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	4.8	5.4	5.1	5.3	5.3
<b>Account</b>					
General Fund-State 001-1	95,170	104,501	199,671	204,766	203,514
Waste Reduction/Recycling/Litter Control-State 044-1	29,283	32,154	61,437	63,005	62,620
Water Quality Permit Account-State 176-1	109,812	120,578	230,390	236,269	234,824
Hazardous Waste Assistance Account-State 207-1	14,642	16,077	30,719	31,503	31,310
Oil Spill Prevention Account-State 217-1	14,642	16,077	30,719	31,503	31,310
Model Toxics Control Operating Account-State 23P-1	468,529	514,467	982,996	1,008,077	1,001,910
<b>Total \$</b>	<b>732,078</b>	<b>803,854</b>	<b>1,535,932</b>	<b>1,575,123</b>	<b>1,565,488</b>

In addition to the estimates above, there are additional indeterminate costs and/or savings . Please see discussion.

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact . Factors impacting the precision of these estimates , and alternate ranges (if appropriate ) , are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☒ Requires new rule making, complete Part V.

Legislative Contact: Dan Jones	Phone: 360-786-7118	Date: 03/25/2021
Agency Preparation: Allen Robbins	Phone: 360-407-7099	Date: 04/01/2021
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 04/01/2021
OFM Review: Lisa Borkowski	Phone: (360) 902-0573	Date: 04/03/2021

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

Compared to 5141 E2SSB, 5141 E2SSB AMH ENVI H1357.1 has the following substantive changes :

- Section 1: Adds intent to include reducing exposure to environmental hazards within Indian country.
- Section 2: Changes the title of agency to covered agency, and distinguishes provisions of the bill that apply to covered agencies as opposed to all agencies. Adds to the definition of environmental harm the loss or impairment of ecosystem functions or traditional food resources and loss of access to gather cultural resources or harvest traditional foods. Makes changes to what is included in the definition of significant agency action.
- Section 11: Adds clarification for the authority of other agencies to opt in to the obligations under the bill.
- Section 12: Adds clarification of environmental justice plan requirements, and requires updates as needed.
- Section 13: Adds a requirement that the community engagement plan include how the agency will identify and prioritize overburdened communities.
- Section 14: Adds clarification to environmental justice assessment requirements. Adds a requirement that covered agencies must identify and begin assessments on additional actions identified by July 1, 2025.
- Section 16: Adds clarification for incorporating environmental justice principles into financial decision making processes. Clarifies incorporation of principles is only to the extent allowed by law, where practicable, consistent with appropriations, and only applies to applicable expenditures.
- Section 17: Adds that the annual progress update include progress relating to budgets and funding under section 16.
- Section 18: Specifies that consultation requirements pertain only to federally recognized Indian tribes, and changes collaboration to include protocols for communication, rather than requiring a consultation framework.
- Section 20: Updates membership and specification of the Council, and clarifies that the Council would provide “guidance” rather than “guidelines” to agencies.
- Section 22: New section would provide for appeal provisions.
- Section 23: New section amends RCW 43.376.020 government-to-government relationships with Indian tribes to add requirements for covered agencies to offer consultation with Indian tribes as required under the bill.

The bill changes would change the fiscal impact to Ecology.

Under current state law, there are no explicit environmental justice requirements. However, some state laws, like the Model Toxics Control Act (MTCA), do require elements of public participation which further environmental justice goals, but are not in and of themselves environmental justice requirements. Under federal obligations, guidance for ensuring federal recipient (e.g., Ecology) compliance with Title VI of the Civil Right Act of 1964 addresses nondiscrimination in public involvement (including language access and disability access) and the maintenance of a discrimination complaints process.

This bill would implement the recommendations of the environmental justice task force report to the Washington state governor and legislature, Environmental Justice Task Force: Recommendations for Prioritizing EJ in Washington State Government (October 2020).

Section 1 provides the findings and intent of the bill. Section 2 provides definitions. As stated in the bill, the covered agencies include the departments of Ecology, Health, Natural Resources, Commerce, Agriculture, Transportation, the Puget Sound Partnership, and any agency that opts to assume the obligations of this act. “Significant agency action” is defined in Section 2 (11).

Section 3 would require Ecology and other covered agencies to incorporate environmental justice obligations under this act. Other agencies are encouraged to strive to also apply the policies of this act. Sections 4 and 6-10 would establish environmental justice obligations for other covered agencies, and Section 11 would

establish authority for other agencies to adopt environmental justice obligations.

Section 5 would create new obligations for Ecology to apply and comply with new environmental justice obligations created in the bill. These include new requirements for environmental justice analyses, community engagement, and public participation principles related to significant agency actions, implementation planning, tribal consultation, and reporting requirements.

Section 12 would require Ecology to incorporate, by January 1, 2023, an environmental justice implementation plan into the agency strategic plan. Covered agencies may also incorporate this plan into other significant agency planning documents. The plan must include specific information related to agency-specific goals, deliverables, performance metrics, strategies for compliance with environmental justice requirements, an outreach plan, and specific plans and timelines for incorporating environmental justice considerations into agency activities. The plan must be developed and updated in consideration of guidance from the Council.

Section 13 (1) would require Ecology, by July 1, 2022, to create and adopt a community engagement plan that describes how it would engage with overburdened communities and vulnerable populations. The plan must include: how the agency will identify and prioritize overburdened communities, best practices, screening tools, processes that facilitate and support inclusion of communities affected by agency decision making, and methods for outreach and communication with those who face barriers to participation. The plan must be developed and updated in consideration of guidance from the Council.

Section 13 (2) would require Ecology to regularly conduct compliance reviews of existing laws and policies that guide community engagement, including Title VI of the federal civil rights act, Washington Executive Order 05-03, and federal Executive Order 13166.

Section 13 (4) would allow Ecology to coordinate with the Office of Equity to identify policy and system barriers to meaningful engagement with communities as conducted by the office under RCW 43.06D.040 (1)(b).

Section 14 would require Ecology to conduct an environmental justice assessment for all significant agency actions initiated after July 1, 2023, in consideration of the guidance from and in iterative consultation with the council. By July 1, 2023, and periodically thereafter, Ecology would be required to publish the types of agency actions the agency has determined require an assessment. By July 1, 2025, Ecology would need to identify and begin conducting assessments for any additional actions the agency identifies as significant. The assessment must consider the guidelines developed by the council established under the bill, use data that considers the cumulative effects of a proposed action on overburdened communities and vulnerable populations, identify overburdened communities, identify any local and regional impacts to tribal treaty reserved rights and resources, summarize community input, and describe options for the agency to reduce any disproportionate impacts on overburdened communities. To conduct the assessment, the agency would be required to consult with representatives of overburdened communities and vulnerable populations. Ecology would be required to reduce or eliminate the negative impacts revealed by the assessment and maximize the benefits created by the action on overburdened communities. Negative impacts that cannot be reduced would need to be explained in an official document.

Section 15 states the obligation of an agency to conduct an environmental justice assessment pursuant to section 14 of this act for significant agency actions does not, by itself, trigger requirements in chapter 43.21C RCW.

Section 16 would require Ecology, by July 1, 2023, to incorporate environmental justice principles into its decision processes, where practicable, for budget development, making expenditures, granting or withholding benefits, and equitably distributing funding to the extent allowed by law and consistent with appropriations. In making such decisions, Ecology must focus expenditures on creating environmental benefits, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and populations; create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency spending and expenditure decisions; clearly articulate environmental justice goals

and assessment metrics; consider a broad scope of grants and contracting opportunities that effectuate environmental justice principles; and establish a goal of 40 percent of expenditures that create environmental benefits that are directed to vulnerable populations and overburdened communities. Rulemaking would be authorized. In incorporating environmental justice principles into its decision processes for budget development, making expenditures, granting or withholding benefits, and distributing funding, the agency would consider any guidelines developed by the council pursuant to section 20.

Section 17 would require Ecology, by September 1st of each year beginning in 2024, to annually update the Environmental Justice Council on the development and implementation of environmental justice implementation in agency strategic plans, budgeting and funding criteria for making budgeting and funding decisions, and community engagement plans. Beginning in 2024, Ecology would include updates on environmental justice assessments. Ecology would publish a dashboard report or an updated dashboard report, in a uniform dashboard format on the Office of Financial Management's website, describing its progress on implementing environmental justice in its strategic plan, obligations related to budgets and funding, and its environmental justice assessments of proposed significant agency actions.

Section 18 would require Ecology to offer consultation with federally recognized Indian tribes on decisions that affect Indian tribes' rights and interests in their tribal lands. Protocols for communication and best practices would need to be developed and utilized for collaboration with Indian tribes.

Section 19 concerns maintenance of the Department of Health's environmental health disparities map, which Ecology would use in its implementation of the bill.

Section 20 would establish an Environmental Justice Council to advise agencies on incorporating environmental justice into agency activities. The council would have (among others) non-voting members representing state agencies covered by the bill's requirements. Ecology would have an executive team level employee as a member of the council. The council would be required to submit a report to the Governor and Legislature by November 30, 2022, on its recommendations for significant agency actions subject to environmental justice assessment, summary of agency progress reports, and guidance for agencies implementing environmental justice requirements. This section would also establish an interagency work group to provide technical assistance, develop timelines, and create metrics for agency compliance with implementation of the bill's requirements. The interagency workgroup would include a staff person from Ecology.

Section 21 would allow the agency director to exempt a significant agency action or decision process from the requirements of sections 14 and 16 for reasons specified in this section.

Section 22 would allow appeals of agency actions, as defined in chapter 34.05 RCW, subject to or a result of the requirements of this chapter.

Section 23 would amend RCW 43.376.020 government-to-government relationships with Indian tribes to add requirements for covered agencies to offer consultation with Indian tribes as required under the bill.

## **II. B - Cash receipts Impact**

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency , identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources . Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates . Distinguish between one time and ongoing functions .*

## **II. C - Expenditures**

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation ), identifying by section number the provisions of the legislation that result in the expenditures (or savings ). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates . Distinguish between one time and ongoing functions .*

The expenditure impact to Ecology under this bill is estimated to be greater than \$50,000 in Fiscal Year (FY) 2022 and ongoing to implement the requirements of sections 5, 13, 14, 16, 17, 18, and 20. Expenditures for sections 14, 16, and



18 are partially indeterminate, with a scenario of costs provided in the fiscal note tables. Expenditures related to future appeals under section 22 are indeterminate.

### Agency Coordination and Guidance

Section 5 would create new obligations for Ecology to apply and comply with new environmental justice obligations created in the bill. This includes new requirements for environmental justice assessment, community engagement, and public participation principles related to significant agency actions, implementation planning, tribal consultation, and reporting requirements. We estimate this would require the equivalent of an additional 1.0 FTE of an Environmental Planner 5 (EP5) in FY 2022 and FY 2023 to develop new materials and guidance documents for agency staff, engage with the council to determine activities requiring an environmental justice assessment, the elements of an environmental justice assessment, and develop elements of reporting requirements. Beginning in FY 2024 and ongoing, this would additionally require 0.5 FTE of an EP5 ongoing to maintain the relevant documents and guidance previously developed, provide ongoing assistance to program staff performing environmental justice assessment, coordinate ongoing efforts related to community engagement and public participation to ensure consistency between Ecology programs, and oversee reporting of Ecology environmental justice efforts.

- FY 2022 and FY 2023: 1.0 FTE Environmental Planner 5

- FY 2024 and ongoing: 0.5 FTE Environmental Planner 5

### Environmental Justice Implementation Plan

Section 12 would require Ecology to incorporate an environmental justice implementation plan into the agency strategic plan by January 1, 2023. Ecology may also incorporate this plan into other significant agency planning documents. The plan must include specific information related to agency-specific goals, deliverables, performance metrics, strategies for compliance with environmental justice requirements, an outreach plan, and specific plans and timelines for incorporating environmental justice considerations into agency activities. The plan must be developed and updated in consideration of guidance from the Council. Consistent with lead agency assumptions, since Ecology is scheduled to update the agency strategic plan in FY 2022, no additional costs would be incurred to incorporate an environmental justice implementation plan in the next update.

### Community Engagement

Section 13 (1) would require Ecology, by July 1, 2022, to create and adopt a community engagement plan that describes how it would engage with overburdened communities and vulnerable populations. The plan must include: how the agency will identify and prioritize overburdened communities, best practices, screening tools, processes that facilitate and support inclusion of communities affected by agency decision making, and methods for outreach and communication with those who face barriers to participation. The plan must be developed and updated in consideration of guidance from the Council. We estimate this work would require 0.50 FTE of a Management Analyst 4 (MA4) in FY 2022 to develop the plan and 0.25 FTE MA4 in FY 2023 and ongoing to update and maintain the plan. Consistent with lead agency assumptions, costs are not currently estimated to implement the plan.

- FY 2022: 0.5 FTE Management Analyst 4

- FY 2023 and ongoing: 0.25 FTE Management Analyst 4

Section 13 (2) would require Ecology to regularly conduct compliance reviews of existing laws and policies that guide community engagement, including Title VI of the federal civil rights act, Washington Executive Order 05-03, and federal Executive Order 13166. We estimate this work would require 0.25 FTE of an MA4 in FY 2022 and ongoing.

- FY 2022 and ongoing: 0.25 FTE Management Analyst 4

Section 13 (4) would allow Ecology to coordinate with the Office of Equity to identify policy and system barriers to meaningful engagement with communities as conducted by the office under RCW 43.06D.040 (1)(b). Ecology assumes coordination with the Office of Equity would be accomplished by the agency coordinator position described under

section 5.

## Environmental Justice Assessments

Section 14 would require Ecology to develop a process by July 1, 2023, for conducting environmental justice assessments as defined in section 14(3) based on guidance from the council and the interagency work group and in iterative consultation with the council. By July 1, 2023, and periodically thereafter, Ecology would be required to publish the types of agency actions the agency has determined require an assessment. Ecology assumes the scope of actions subject to an environmental justice assessment and the contents of the assessment will generally be consistent with guidance from the council. For FY 2022 and FY 2023, this would require Ecology to develop the process, procedures, and Ecology-specific guidelines to be used in developing environmental justice assessments. We estimate this work would require 0.5 FTE in FY 2022 and 1.0 FTE in FY 2023 of an EP5.

Section 14 would require Ecology to conduct an environmental justice assessment for all significant agency actions initiated after July 1, 2023, as specified in Section 2 (11) (a)-(e). By July 1, 2025, Ecology would need to identify and begin conducting assessments for any additional actions the agency identifies as significant. At a minimum, section 14(4) would require the assessment to: (a) consider guidance developed by the council established under the bill, (b) use data that considers the cumulative effects of a proposed action on overburdened communities, (c) identify overburdened communities and vulnerable populations, (d) identify any local and regional impacts to federally reserved tribal rights and resources, (e) summarize community input, and (f) describe options for the agency to reduce any disproportionate impacts on overburdened communities.

The expenditures to Ecology for section 14 are partially indeterminate beginning in FY 2024 depending on the guidance issued by the Environmental Justice Council established under Section 20. As the Council has not yet established guidance, we are unable to accurately estimate the scope of agency actions subject to an environmental justice assessment as specified in section 14(4)(a), the scope of contents of an assessment, or the time required for staff to prepare the relevant assessments. As the definition of “significant agency action” has been narrowed in this version of the bill, and based on lead agency assumptions and the minimum requirements for the assessments specified in section 14(4)(b)-(f), Ecology can provide a scenario of potential impacts as described below.

For purposes of this fiscal note, Ecology has attempted to provide a rough estimate below and in the fiscal note tables based on the following assumptions:

Consistent with lead agency assumptions, Ecology assumes that significant agency actions would include :

2(11)(a) – Rule makings

2(11)(b) – New grant or loan programs that begin after July 1, 2023

2(11)(c) – The allocation of more than \$25 million in a single funding round through a grant or loan program administered by the agency

2(11)(d) – Major capital projects of at least \$5 million

2(11)(e) – Agency request legislation

2(11)(f) – Additional actions deemed significant by the agency. For purposes of this estimate, Ecology assumes this would initially include major projects subject to significant permitting requirements, Environmental Impact Statement (EIS) requirements, or a State Environmental Policy Act (SEPA) review.

Ecology assumes there would be several levels of complexities for assessments, ranging from low complexity for those that already have an existing environmental review to high complexity for those that are very complex and controversial. Ecology has provided a rough estimate of time for each complexity level based on the description of minimum requirements for the assessments described in section 14 and time the agency has spent on other types of environmental justice reviews. The actual time may vary considerably depending on the assessment and additional scope and content requirements provided by the Council. To the extent possible, Ecology assumes assessments would occur concurrently with existing agency actions to help facilitate timely processes and decisions.

Estimated Number of agency actions triggering an assessment :

2(11)(a) – 20 to 25 rulemakings each year

2(11)(b) – 1 new grant/loan program each year

2(11)(c) – 4 grant/loan programs with biennial funding rounds and 2 grant/loan programs with annual funding rounds

2(11)(d) – 5 major agency capital construction and contracted capital programs each biennium

2(11)(e) – 5 agency request legislation each year

2(11)(f) – 10 to 15 additional actions each year, including major actions subject to significant permitting requirements, EIS requirements, or SEPA review. We note these numbers reflect the possible number of actions started annually, even though many may not complete the process and become a final action.

Total Actions = Average of 50 Actions per year

Ecology assumes the following workload per action at an average job class of Environmental Planner 5 based on the time required for other types of current law environmental justice reviews and the requirements under this bill :

- 20% of actions already include an environmental justice review of some type, so require minimal work for an assessment – 16 hours each

- 50% of actions do not include a formal environmental justice review, but are of a nature that would make an assessment a moderate amount of work – 60 hours each

- 30% of actions are highly complex, highly controversial, or are of a nature that would make an assessment an extensive amount of work – 160 hours each

Grant and Loan programs: Total Fiscal Impact for average of 5 assessments each year = 0.4 FTEs :

Ecology assumes assessments for grant and loan programs that are new or greater than \$25 million in a funding round would be of a complex nature.

- Complex: 5 actions x 160 hours = 0.4 FTEs

Note: For the purposes of assessments on state funded grant programs, Ecology assumes these would be conducted on the overall grant programs and process vs individual grants. Ecology assumes assessments would occur early as part of developing and rolling out the grant program each biennium, and be incorporated into the criteria and decision making process within agency statutory authority parameters.

Rulemaking and Other significant agency actions: Total Fiscal Impact for 45 assessments each year = 1.8 FTEs :

- Simple: 9 actions x 16 hours = 0.07 FTE

- Moderate: 23 actions x 60 hours = 0.7 FTEs

- Complex: 13 actions x 160 hours = 1.0 FTEs

Total FTEs FY 2024 and ongoing = 2.2 FTEs at the Environmental Planner 5 level

Additional staff costs

In addition to the costs associated with preparing the environmental justice assessments for major environmental projects, it would be necessary for the environmental justice assessors to work with program and project staff in order to prepare the assessments. We anticipate this would only apply to major environmental projects. We estimate that the program staff time required for each assessment will be between 10-15% of the time spent by the assessor for simple actions, 15-20% for moderate actions, and 20-25% for complex actions. For purposes of this fiscal note, we estimate this would apply to approximately 10 agency actions per year, and would add staff time as follows :

Simple: 2 actions x 2.5 hours each

Moderate: 5 actions x 12 hours each

Complex: 3 actions x 40 hours each

Total additional hours = 185

Total FTEs FY 2024 and ongoing = 0.09 FTEs. For purposes of this fiscal note, we assume an average classification for

program staff of an Environmental Planner 4.

It is important to note this estimate is based on current fiscal note assumptions from OFM. It is possible that the guidance developed by the EJ council could have a broader definition of what agency actions need an assessment, and that the agency would identify additional actions as part of our analysis required by July 1, 2025, resulting in the need for more assessments than reflected in this estimate. It is also possible that the guidance developed would establish standards for assessments that would require significantly more time than we have estimated, or that the complexity level of the assessments exceeds our estimates. If those situations develop, or other guidance from the council changes the assumptions we have made herein, Ecology would address the need for additional resources through the normal budgeting process.

## Financial Decision Making

Section 16 would require Ecology, by July 1, 2023, to incorporate environmental justice principles into its decision processes, where practicable, for budget development, making expenditures, granting or withholding benefits, and equitably distributing funding to the extent allowed by law and consistent with appropriations. In making such decisions, Ecology must:

- (a) Focus applicable expenditures on creating environmental benefits, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations;
- (b) Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency spending and expenditure decisions;
- (c) Clearly articulate environmental justice goals and assessment metrics;
- (d) Consider a broad scope of grants and contracting opportunities that effectuate environmental justice principles; and
- (e) Establish a goal of 40 percent of expenditures that create environmental benefits that are directed to vulnerable populations and overburdened communities.

Rulemaking would be authorized. In incorporating environmental justice principles into its decision processes for budget development, making expenditures, granting or withholding benefits, and distributing funding, the agency would consider any guidance developed by the council pursuant to section 20.

The expenditures to Ecology for section 16 are partially indeterminate beginning in FY 2024 to incorporate environmental justice principles into financial decision making. Implementation of section 16 would create new requirements that would be an increased scope for Ecology fiscal activities. The number of financial decisions covered under this section, and the changes to workload, processes, and systems, will be determined through guidance developed in FY 2022 and FY 2023 by the Environmental Justice Council established under Section 20. As such, we are unable to conclusively determine the time required for staff to incorporate relevant elements in agency financial decisions or the number of decisions affected by the bill. However, we have attempted to provide a rough estimate of the time required for several elements of the requirements as described below.

Development of agency guidance and tools: Section 16 would require Ecology to develop and maintain agency guidance documents for incorporating environmental justice principles into decision processes, where practicable, related to budget and funding by July 1, 2023. Per lead agency assumptions, it is assumed any guidance from the Council would be available by September 2022 (FY 2023). We estimate this would require 1.0 FTE of an EP5 in FY 2022 and FY 2023 to develop new materials and guidance documents for agency staff, develop a budget tool that incorporates environmental justice principles, modify the budget development process, perform an analysis of distribution of funding, and provide assistance to program staff incorporating the principles into their work. An additional 0.1 FTE in FY 2024 and ongoing would be required to maintain the guidelines.

- FY 2022 and FY 2023: 1.0 FTE Environmental Planner 5

- FY 2024 and ongoing: 0.1 FTE Environmental Planner 5

Implementation of guidance: Section 16(2)(a) would require Ecology to focus applicable expenditures on creating environmental benefits, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations. Ecology assumes the guidance provided by the Council, as well as materials and tools developed under this section, would inform how the agency incorporates these changes into financial processes. Expenditures are currently indeterminate for anticipated staff time and vendor costs associated with modifying grant templates for the agency's grant and loan system, assumed to be necessary to incorporate requirements into grant application processes. Additional impacts to workload, systems, and processes to incorporate the guidance into agency financial processes is indeterminate.

Creating opportunities for participation in spending decisions: Section 16 (2)(b) would require Ecology to "create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency spending and expenditure decisions." This is a new requirement and would result in additional work for Ecology. At a minimum, we anticipate this would involve establishing a new public process that would necessarily involve public comment opportunities. Given the large number of financial decisions and grants awarded each year, we anticipate this would require a working group or standing stakeholder group with multiple meetings during the year in addition to public comment opportunities for other members of the public. We anticipate this would require an additional 0.5 FTE of a Management Analyst 5 in FY 2022 and 1.0 FTE of a Management Analyst 5 in FY 2023 and ongoing to coordinate public involvement efforts; coordinate any work or stakeholder group established; act as the liaison between the public, fiscal staff, and management; and provide outreach to affected communities and populations to encourage participation.

- FY 2022 0.5 FTE Management Analyst 5

- FY 2023 and ongoing: 1.0 FTE Management Analyst 5

Considering grants and contracting opportunities: Section 16(2)(d) would require Ecology to consider a broad scope of grants and contracting opportunities that effectuate environmental justice principles. Ecology assumes environmental justice assessments would be performed for grant and loan programs, as well as contracts, as described under section 14. Additional fiscal impacts are indeterminate for incorporating environmental justice principles into grants, loans, and contracts.

Meeting a target of 40 percent to vulnerable populations and overburdened communities: Section 16 (2)(e) would require Ecology to have a target of 40 percent of expenditures spent to create environmental benefits that are directed to vulnerable populations and overburdened communities. Ecology assumes the guidance materials and tools developed under this section, as well as the assessments performed under section 14, would help the agency track and meet this target. Additional fiscal impacts are indeterminate for potential changes to financial processes and systems in order to meet this objective.

Rulemaking: While rulemaking is authorized for Section 16, the scope and required content are unknown, therefore expenditures are currently indeterminate. In part, this would depend upon future guidance from the Environmental Justice Council that would be created in Section 20. We assume that as the guidance applicable to Section 16 would be promulgated, Ecology would analyze existing rules to determine whether amendments to those rules should be adopted. Also at that time, we would determine whether agency-wide policies or rules would be effective, or whether each individual affected rule should be amended. If additional funding were to prove necessary for future rulemaking, Ecology would request that funding through the budget process.

## Reporting Requirements

Section 17 would require Ecology to annually update the environmental justice council of the development and implementation of environmental justice implementation in agency strategic plans, budgeting and funding criteria for making budgeting and funding decisions, and community engagement plans. Beginning in 2024, Ecology would include updates on environmental justice assessments. Beginning in 2024, Ecology would publish a dashboard report or an updated dashboard report, in a uniform dashboard format on the Office of Financial Management's website, describing its progress on implementing environmental justice in its strategic plan, obligations related to budgets and funding, and its environmental justice assessments of proposed significant agency actions. We assume that the dashboard would be

developed and hosted by OFM and we estimate the work to update and publish a dashboard report would require 0.05 FTE of an EP5 in FY 2024 and 0.02 FTE in FY 2025 and ongoing. We also anticipate this work would require support to establish the dashboard and maintain it. We estimate this work would require 0.05 FTE of an MA4 in FY 2024 and 0.02 FTE in FY 2025 and ongoing.

- FY 2024: 0.05 FTE Environmental Planner 5 and 0.05 FTE Management Analyst 4

- FY 2025 and ongoing: 0.02 FTE Environmental Planner 5 and 0.02 FTE Management Analyst 4

### Tribal Consultation

Section 18 would require Ecology to offer consultation with federally recognized Indian tribes on all significant agency actions, programs, and on the distribution of state funds that affect Indian tribes' rights and interests in their tribal lands. Protocols for communication and best practices would need to be developed and utilized for collaboration with Indian tribes. We estimate this work would require 0.1 FTE of a WMS3 Agency Tribal Liaison in FY 2022, 0.15 FTE of an EP5 in FY 2022, and 0.01 FTE of an EP5 in FY 2023 and ongoing to update and maintain the protocols and best practices.

In addition, there would be an indeterminate fiscal impact for consultation with Tribes. This work would add an indeterminate amount of time for agency staff to conduct the actual consultation with Tribes regarding significant agency actions, programs, and funding activities.

- FY 2022: 0.1 FTE WMS 3, 0.15 FTE Environmental Planner 5

- FY 2023: 0.01 FTE Environmental Planner 5

### Environmental Justice Council & Interagency Work Group

Section 20 would establish an Environmental Justice Council to advise agencies on incorporating environmental justice into agency activities. The council would have (among others) non-voting members representing state agencies covered by the bill's requirements. Per Section 20(3), Ecology would have an executive team level employee as a member of the council. Consistent with lead agency assumptions, Ecology assumes six full council meetings and six subcommittee meetings per year, including staff preparation time and post-pandemic travel time. Ecology estimates 0.05 FTE of an EP5 in FY 2022 and ongoing.

Section 20(8) would also establish an interagency work group led by the Department of Health that would include staff from each agency directed to implement provisions under this chapter. Ecology would have a work group member, who may also serve as a member of the council. Consistent with lead agency assumptions, representation on the work group assumes six full work group meetings and ongoing work to provide technical assistance, develop timelines, and create metrics for agency compliance with implementation of the bill's requirements. Ecology estimates 0.1 FTE of an EP5 in FY 2022 and ongoing.

- FY 2022 and ongoing: 0.15 FTE Environmental Planner 5

### Legal Obligations

Section 21 would allow the agency director to exempt a significant agency action or decision process from the requirements of sections 14 and 16 for reasons specified in this section. At this time it is unknown whether any of the agency actions would be exempted.

### Appeals

Section 22 would allow appeals of agency actions, as defined in chapter 34.05 RCW, subject to or a result of the requirements of this chapter. Per lead agency assumptions, appeals could begin after implementation of the statute beginning July 1, 2023, and the number of appeals that would occur is unknown. Therefore, the fiscal impact related to appeals is indeterminate.

## Attorney General's Office Costs

The Attorney General's Office (AGO) assumes AAG support to Ecology would be necessary under this bill for legal advice and guidance. The AGO assumes 0.15 AAG in FY 2022 (\$34,000), 0.08 AAG in FY 2023 (\$19,000), and 0.05 AAG (\$12,000) in FY 2024 and thereafter. Costs are included in object E.

SUMMARY: The expenditure impact to Ecology under this bill is estimated by section below. Expenditures by account are estimated based on the largest fund sources for involved programs.

SECTION 5 is estimated to require:

FY 2022 and FY 2023: \$173,819 and 1.2 FTEs

FY 2024 and ongoing: \$86,909 and 0.6 FTE

SECTION 13(1) is estimated to require:

FY 2022: \$73,681 and 0.6 FTE

FY 2023 and ongoing: \$36,840 and 0.3 FTE

SECTION 13(2) is estimated to require:

FY 2022 and ongoing: \$36,840 and 0.3 FTE

SECTION 14 is estimated to require:

FY 2022: \$86,909 and 0.6 FTE

FY 2023: \$173,819 and 1.2 FTEs

FY 2024 and ongoing: \$396,634 and 2.6 FTEs

Expenditures are partially indeterminate

SECTION 16 is estimated to require:

FY 2022: \$254,772 and 1.7 FTEs

FY 2023: \$335,724 and 2.3 FTEs

FY 2024 and ongoing: \$179,285 and 1.3 FTEs

Expenditures are partially indeterminate

SECTION 17 is estimated to require:

FY 2025: \$16,059 and 0.1 FTE

FY 2026 and ongoing: \$6,424

SECTION 18 is estimated to require:

FY 2022: \$45,983 and 0.3 FTE

FY 2023 and ongoing: \$1,738

Expenditures are partially indeterminate

SECTION 20 is estimated to require:

FY 2022 and ongoing: \$26,074 and 0.2 FTE

SECTION 22 is indeterminate

AAG Costs are estimated to require:

FY 2022: \$34,000

FY 2023: \$19,000

FY 2024 and ongoing: \$12,000.

THE TOTAL EXPENDITURE IMPACT to Ecology under this bill is estimated to be :

FY 2022: \$732,078 and 4.8 FTEs

FY 2023: \$803,854 and 5.4 FTEs

FY 2024: \$792,379 and 5.4 FTEs

FY 2025 and ongoing: \$782,744 and 5.3 FTEs

Notes on costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.7% of salaries.

Goods and Services are the agency average of \$4,144 per direct program FTE.

AAG costs are estimated at \$34,000 (FY 2022), \$19,000 (FY 2023), and \$12,000 (FY 2024 and ongoing).

Travel is the agency average of \$2,182 per direct program FTE.

Equipment is the agency average of \$1,201 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 27.4% of direct program salaries and benefits, and is shown as object 9. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE, and are identified as Fiscal Analyst 2 and IT App Development - Journey.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
001-1	General Fund	State	95,170	104,501	199,671	204,766	203,514
044-1	Waste Reduction/Recycling /Litter Control	State	29,283	32,154	61,437	63,005	62,620
176-1	Water Quality Permit Account	State	109,812	120,578	230,390	236,269	234,824
207-1	Hazardous Waste Assistance Account	State	14,642	16,077	30,719	31,503	31,310
217-1	Oil Spill Prevention Account	State	14,642	16,077	30,719	31,503	31,310
23P-1	Model Toxics Control Operating Account	State	468,529	514,467	982,996	1,008,077	1,001,910
<b>Total \$</b>			<b>732,078</b>	<b>803,854</b>	<b>1,535,932</b>	<b>1,575,123</b>	<b>1,565,488</b>

In addition to the estimates above, there are additional indeterminate costs and/or savings . Please see discussion.

### III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	4.8	5.4	5.1	5.3	5.3
A-Salaries and Wages	382,897	430,520	813,417	850,719	845,446
B-Employee Benefits	140,525	158,002	298,527	312,214	310,278
E-Goods and Other Services	51,198	38,311	89,509	62,290	62,042
G-Travel	9,055	10,169	19,224	20,164	20,034
J-Capital Outlays	4,985	5,596	10,581	11,096	11,024
9-Agency Administrative Overhead	143,418	161,256	304,674	318,640	316,664
<b>Total \$</b>	<b>732,078</b>	<b>803,854</b>	<b>1,535,932</b>	<b>1,575,123</b>	<b>1,565,488</b>

In addition to the estimates above, there are additional indeterminate costs and/or savings . Please see discussion.



**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2022	FY 2023	2021-23	2023-25	2025-27
ENVIRONMENTAL PLANNER 4	86,484				0.1	0.1
ENVIRONMENTAL PLANNER 5	95,484	2.8	3.2	3.0	3.0	3.0
FISCAL ANALYST 2		0.4	0.5	0.4	0.5	0.5
IT APP DEVELOP-JOURNEY		0.2	0.2	0.2	0.2	0.2
MANAGEMENT ANALYST 4	80,292	0.8	0.5	0.6	0.5	0.5
MANAGEMENT ANALYST 5	88,644	0.5	1.0	0.8	1.0	1.0
WMS BAND 3	110,000	0.1		0.1		
<b>Total FTEs</b>		4.8	5.4	5.1	5.3	5.3

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods*

NONE

**IV. D - Capital FTE Detail:** *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part IVB*

NONE

**Part V: New Rule Making Required**

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules .*

Section 16 of this bill would authorize rulemaking. The scope and required content of rulemaking are indeterminate. In part, this would depend upon future guidance from the environmental justice council that would be created in section 20. We assume that as the guidance applicable to section 16 would be promulgated, Ecology would analyze existing rules to determine whether amendments to those rules should be adopted. Also at that time, we would determine whether agency-wide policies or rules would be effective, or whether each individual affected rule should be amended.

## 5141 E2SSB AMH ENVI H1357.1 Recommendations of EJ Task Force - Department of Ecology Fiscal Note Expenditure

OPERATING BUDGET	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
<b>Section 5 Agency Coordination and Guidance</b>	<b>173,819</b>	<b>173,819</b>	<b>86,909</b>	<b>86,909</b>	<b>86,909</b>	<b>86,909</b>
Total FTEs	1.2	1.2	0.6	0.6	0.6	0.6
Staff costs	173,819	173,819	86,909	86,909	86,909	86,909
 <b>Section 13 Community Engagement</b>	 <b>110,521</b>	 <b>73,680</b>	 <b>73,680</b>	 <b>73,680</b>	 <b>73,680</b>	 <b>73,680</b>
Total FTEs	0.9	0.6	0.6	0.6	0.6	0.6
Staff costs	110,521	73,680	73,680	73,680	73,680	73,680
 <b>Section 14 EJ Assessments</b>	 <b>86,909</b>	 <b>173,819</b>	 <b>396,634</b>	 <b>396,634</b>	 <b>396,634</b>	 <b>396,634</b>
Total FTEs	0.6	1.2	2.6	2.6	2.6	2.6
Staff costs	86,909	173,819	396,634	396,634	396,634	396,634
 <b>Section 16 EJ principles in Financial Decisions</b>	 <b>254,772</b>	 <b>335,724</b>	 <b>179,285</b>	 <b>179,285</b>	 <b>179,285</b>	 <b>179,285</b>
Total FTEs	1.7	2.3	1.3	1.3	1.3	1.3
Staff costs	254,772	335,724	179,285	179,285	179,285	179,285
 <b>Section 17 Reporting</b>	 <b>0</b>	 <b>0</b>	 <b>16,059</b>	 <b>6,424</b>	 <b>6,424</b>	 <b>6,424</b>
Total FTEs	0.0	0.0	0.1	0.0	0.0	0.0
Staff costs	0	0	16,059	6,424	6,424	6,424
 <b>Section 18 Tribal Consultation</b>	 <b>45,983</b>	 <b>1,738</b>	 <b>1,738</b>	 <b>1,738</b>	 <b>1,738</b>	 <b>1,738</b>
Total FTEs	0.3	0.0	0.0	0.0	0.0	0.0
Staff costs	45,983	1,738	1,738	1,738	1,738	1,738
 <b>Section 20 Council and Work Group</b>	 <b>26,074</b>	 <b>26,074</b>	 <b>26,074</b>	 <b>26,074</b>	 <b>26,074</b>	 <b>26,074</b>
Total FTEs	0.2	0.2	0.2	0.2	0.2	0.2
Staff costs	26,074	26,074	26,074	26,074	26,074	26,074
 <b>Attorney General</b>	 <b>34,000</b>	 <b>19,000</b>	 <b>12,000</b>	 <b>12,000</b>	 <b>12,000</b>	 <b>12,000</b>
AAG Costs (Legal Advice and Guidance)	34,000	19,000	12,000	12,000	12,000	12,000
 <b>ECOLOGY TOTAL OPERATING FTEs</b>	 <b>4.8</b>	 <b>5.4</b>	 <b>5.4</b>	 <b>5.3</b>	 <b>5.3</b>	 <b>5.3</b>
<b>ECOLOGY TOTAL OPERATING EXPENDITURES</b>	<b>732,078</b>	<b>803,854</b>	<b>792,379</b>	<b>782,744</b>	<b>782,744</b>	<b>782,744</b>

\*Total FTEs include 0.15 FTE administrative overhead. Staff costs include salary and benefits, travel, equipment, goods and services, and administrative overhead.

# Individual State Agency Fiscal Note

Revised

<b>Bill Number:</b> 5141 SB 5141-S2.E AMH ENVI H1357.1	<b>Title:</b> Env. justice task force recs	<b>Agency:</b> 490-Department of Natural Resources
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	14.0	9.6	11.8	16.5	16.9
<b>Account</b>					
General Fund-State 001-1	2,350,300	1,491,200	3,841,500	5,308,300	5,387,800
<b>Total \$</b>	2,350,300	1,491,200	3,841,500	5,308,300	5,387,800

In addition to the estimates above, there are additional indeterminate costs and/or savings . Please see discussion.

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact . Factors impacting the precision of these estimates , and alternate ranges (if appropriate ) , are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Dan Jones	Phone: 360-786-7118	Date: 03/25/2021
Agency Preparation: Robert Brauer	Phone: 360-902-1244	Date: 04/01/2021
Agency Approval: Tom Bugert	Phone: 360-902-1003	Date: 04/01/2021
OFM Review: Lisa Borkowski	Phone: (360) 902-0573	Date: 04/03/2021

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

Sec 2(1) “Agency” includes the Department of Natural Resources (DNR).

(12) “Significant agency action” means an agency action that may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population ... may include, but not limited to, major capital projects, rule-making, major capital projects of at least \$5,000,000 and proposing legislation concerning the duties of the agency.

Sec 3 – DNR is required to comply with all provisions of this chapter.

Sec 7 – a new section is added to 43.30 Environmental Justice Obligations of the Department of Natural Resources.

### Sec. 12. INCORPORATING ENVIRONMENTAL JUSTICE INTO AGENCY STRATEGIC PLANS

(1) By January 1, 2023, each agency shall include an environmental justice implementation plan within its strategic plan or other planning document. The plan must describe how the agency will apply the principles of environmental justice to the agency's activities and guide the agency in its implementation of its obligations under this chapter.

(2) The environmental justice implementation plan must include: (a) Agency-specific goals and deliverables to reduce environmental and health disparities and for otherwise achieving environmental justice in the agency's programs; (b) Metrics to track and measure accomplishments of the agency goals and deliverables; (c) Methods to provide equitable access and ensure nondiscrimination in agency practices to solicit and receive information and opinions from members of the public; (d) Strategies to ensure compliance with existing federal and state laws and policies relating to environmental justice, including Title VI of the civil rights act of 1964 and other nondiscrimination requirements; (e) A plan for community engagement as described in section 13 of this act; (f) Specific plans and timelines for incorporating environmental justice considerations into agency activities as required under this chapter.

(3) In developing its plan, the agency must consider any guidelines developed by the council pursuant to section 20 of this act.

### Sec. 13. EQUITABLE COMMUNITY ENGAGEMENT AND PUBLIC PARTICIPATION.

(1) By July 1, 2022 an agency must create and adopt a community engagement plan that describes how it will engage with overburdened communities and vulnerable populations as it evaluates new and existing activities and programs. This plan should describe how the agency will facilitate equitable participation and support meaningful and direct involvement of vulnerable populations and overburdened communities. The plan must include: (a) Best practices for outreach and communication to overcome barriers to engagement with overburdened communities and vulnerable populations; (b) Use of special screening tools that integrate environmental, demographic, and health disparities data, such as the environmental health disparities map, to evaluate and understand the nature and needs of the people who may be impacted by agency decisions; (c) Processes that facilitate and support the inclusion of members of communities affected by agency decision making including, but not limited to, child care, and reimbursement for travel and other expenses; and (d) Methods for outreach and communication with those who face barriers, language or otherwise, to participation.

(2) Agencies must regularly conduct compliance reviews of existing laws and policies that guide community engagement, and where gaps exist, ensure compliance for the following: (a) Title VI of the civil rights act, prohibiting discrimination based on race, color, or national origin and requiring meaningful access to people with limited English proficiency, and disability; (b) Executive Order 05-03, requiring plain talk when communicating with the public; and

(c) Executive Order 13166, requiring meaningful access to agency programs and services for people with limited English proficiency.

(3) In developing its plan, the agency must consider any guidelines developed by the council pursuant to section 20 of this act.

(4) An agency may coordinate with the office of equity to identify policy and system barriers to meaningful engagement with communities as conducted by the office.

#### Sec. 14. ENVIRONMENTAL JUSTICE ASSESSMENT.

(1) When considering a significant agency action, an agency must conduct an environmental justice assessment as described in this section to inform and support the agency considering overburdened and vulnerable populations when making decisions and to assist the agency with the equitable distribution of environmental benefits, reduction of environmental harms, and the identification and reduction of environmental and health disparities.

(2) By July 1, 2023, and subject to the considerations of subsections (3) through (7) of this section and the identification and prioritization of significant agency actions by the council and the interagency work group, each agency following the guidance from and in iterative consultation with the council must develop a process for conducting environmental justice assessments, determining what additional actions prompt an assessment, and determining any other relevant factors for assessment based on the unique mission, authorities, and priorities of each agency.

(3) At a minimum, environmental justice assessments must: (a) Consider guidelines prepared by the council relating to best practices on environmental justice assessments and when and how to use cumulative environmental health impact analysis; (b) Utilize cumulative environmental health impact analysis, such as the environmental health disparities map or other data that considers the effects of a proposed action on overburdened communities and vulnerable populations; (c) Identify overburdened communities and vulnerable populations who may be affected by the proposed action and the potential environmental and health impacts; (d) Identify any local and regional impacts to tribal treaty reserved rights and resources; (e) Summarize community input and describe how overburdened communities, vulnerable populations, affected tribes, and indigenous populations may be further involved in development of the proposed action; and (f) Describe options and readily available cost projects for the agency to reduce, mitigate, or eliminate any impacts on overburdened communities, or provide a reasonable justification for not doing so.

(4) To obtain information for the purposes of assessments, an agency should consult with members of overburdened communities and vulnerable populations to assist in the accurate assessment of the potential impact of the action and in developing the means to reduce or eliminate the impact on overburdened communities and vulnerable populations.

(5) Based on the environmental justice assessment, the agency must seek to reduce or eliminate the negative impacts and maximize the benefits created by the action on overburdened communities and vulnerable populations. Consistent with agency authority, mission, and mandates, the agency must consider each of the following methods for reducing such an impact or equitably distributing benefit: (a) Eliminating disparities and the unequal effect of environmental harms on overburdened communities and vulnerable populations; (b) Reducing or ensuring the action does not add to the cumulative environmental health impacts on overburdened communities or vulnerable populations; (c) Ensuring the action contributes to reducing the cumulative environmental health impacts on overburdened communities or vulnerable populations; (d) Providing equitable participation and meaningful engagement of vulnerable populations and overburdened communities in the development of the agency action; (e) Prioritizing equitable distribution of resources and benefits to overburdened communities; (f) Ensuring positive workforce and job outcomes for overburdened communities; (g) Meeting a community need identified by the affected overburdened community; (h) Modifying substantive regulatory or policy requirements; and (i) Any other mitigation techniques, including those suggested by the council, the office of equity, or representatives of overburdened communities and vulnerable populations.

(6) If the agency determines it cannot avoid or reduce the harmful impact of the action on overburdened communities and vulnerable populations or address the distribution of environmental and health benefits, the agency must provide a clear explanation of why it has made that determination, make that explanation part of the record of the decision, and provide notice of that explanation to members of the public who participated in the process.

(7) In developing a process for conducting environmental justice assessments, the agency may consider any guidelines developed by the council pursuant to section 20 of this act.

(9) The issuance of forest practices permits under chapter 76.09 19RCW or sale of timber from state lands and state forestlands as defined in RCW 79.02.010 do not require an environmental justice assessment under this section.

## Sec. 16. ENVIRONMENTAL JUSTICE OBLIGATIONS OF AGENCIES RELATING TO BUDGETS AND FUNDING.

(1) An agency must incorporate environmental justice principles into its decision processes for budget development, making investments, granting or withholding benefits, and equitably distribute funding and investments towards overburdened communities and vulnerable populations, consistent with the guidelines issued by and in iterative consultation with the environmental justice council in section 20 of this act.

(2) By July 1, 2023 the agency must: (a) Focus expenditures on creating environmental benefits, including eliminating health burdens, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations; (b) Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency spending and investment decisions; (c) Clearly articulate environmental justice goals and assessment metrics to communicate where, why, and how funds are to be distributed; (d) Consider a broad scope of grants and contracting opportunities that effectuate environmental justice principles, including: (i) Community grants to monitor pollution; (ii) Grants focused on building capacity and providing training for community scientists and other staff; (iii) Technical assistance for communities that may be new to receiving agency grant funding; and (iv) Education and work readiness youth programs focused on infrastructure or utility-related internships to develop career paths for youth and, eventually, community leaders; and (e) Establish a goal of 40 percent of investments that create environmental benefits that are directed to vulnerable populations and overburdened communities.

(3) An agency may develop rules for criteria and procedures applicable to incorporating environmental justice principles in expenditure decisions under this section.

(4) In incorporating environmental justice principles into its decision processes for budget development, making expenditures, granting or withholding benefits, and distributing funding, the agency must consider any guidelines developed by the council pursuant to section 20 of this act.

## Sec. 17. REPORTING REQUIREMENTS.

(1) By September 1st of each year, an agency must annually update the environmental justice council on the development and implementation of environmental justice implementation in agency strategic plans pursuant to section 12 of this act, budgeting and funding criteria for making budgeting and funding decisions pursuant to section 16 of this act, and community engagement plans pursuant to section 13 of this act.

(2)(a) Beginning in 2024, agencies must include updates on environmental justice assessments pursuant to section 14 of this act; and (b) By September 1st of each year beginning in 2024, publish a dashboard report or an updated dashboard report, in a uniform dashboard format on the office of financial management's website, describing its progress on implementing environmental justice in its strategic plan and its environmental justice assessments of proposed significant agency actions.

## Sec. 18. TRIBAL CONSULTATION.

Agencies must offer consultation with Indian tribes on decisions that affect Indian tribes' rights and interests in their tribal lands. The consultation must occur pursuant to chapter 43.376 RCW and must be independent of any public participation process required by state law, or by a state agency, and regardless of whether the agency receives a request for consultation from an Indian tribe. Agencies must develop a consultation framework in coordination with tribal governments that includes best practices, protocols for communication, and collaboration with Indian tribes.

## Sec. 20. ENVIRONMENTAL JUSTICE COUNCIL.

(1) The environmental justice council is established to advise agencies on incorporating environmental justice into agency activities.

(2) The council consists of 12 members appointed by the governor, except for the appointments in (b) of this subsection. (d)(ii) Agencies specified in section 3 of this act shall serve as nonvoting, ex officio liaisons to the council and each agency must identify an executive team level staff person to participate on behalf of the agency.

(7) With input and assistance from the environmental justice council, DOH must establish an interagency work group to assist agencies in incorporating environmental justice into agency decision making. The work group must include staff from each agency directed to implement environmental justice provisions under this chapter and may include members from the council.

## Sec. 21. LEGAL OBLIGATIONS

(2) Exceptions to the requirements of sections 14 and 16 of this act may be made for any of the following reasons: (a) The agency head determines that any delay in the significant agency action poses a potentially significant threat to human health or the environment, or causes serious harm to the public interest; (b) An assessment or consultation would delay a significant agency decision concerning the assessment, collection, or administration of any tax, tax program, debt, revenue, receipt, a regulated entity's financial filings, or insurance rate or form filing; (c) The requirements of the sections are in conflict with federal law or federal program requirements, federal requirements that are a prescribed condition to the allocation of federal funds to the state, or the requirements for eligibility of employers in this state for federal unemployment tax credits, as determined by the agency head; or (d) The requirements of the sections are in conflict with constitutional limitations, including those applicable to the management of state-owned trust lands.

## Sec. 22 APPEALS

1) Agency actions, as defined in chapter 34.05 RCW, that are subject to or result from the requirements of this chapter may be appealed as provided in chapter 334.05 RCW.

### II. B - Cash receipts Impact

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

### II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

Expenditure Detail:

DNR Policy Office Assumptions on E2SSB 5141 Environmental Justice

The development of the Environmental Justice Implementation Plan (sec 12) and community Engagement Plan (sec 13) will be done through the DNR policy office with support from deputies /program leadership.

Section 12 – Updating the strategic plan to incorporate these new components would be a significant effort, and an agency-wide update is not currently planned so this would be new work. It does align with plans to convene an Equity and Environmental Justice advisory committee and set agency goals /metrics but a full update to the strategic plan is more significant. We assume this will take approximately 18 months, during the timeline OFM outlined (FY22 and 6 months of FY23). Groundwork will be laid during the remainder of this fiscal year with input from a planned equity consultant, although work related to this contract should not be included in costs for this bill.

Section 13 – Develop community engagement plan. DNR programs engage communities in various ways but we do not currently have an agency-wide community engagement plan. Developing one that meets the standards of this bill will require a significant amount of staff time to develop (per OFM work would not include implementation). DNR assumes it will be necessary to hire a new policy advisor-level staff working with existing program staff and policy staff to coordinate across the agency for the duration of the plan development. This plan will be developed over 12 months during FY22.

Sec 14 – Environmental Justice Assessment - When considering a significant agency action, the department must conduct an environmental justice assessment to inform and support the agency considering overburdened and vulnerable populations when making decisions and to assist the agency with the equitable distribution of environmental benefits, reduction of environmental harms, and the identification and reduction of environmental and health disparities.

According to the timelines in the bill, EJ assessments must be implemented beginning July 1, 2023 (FY24). Some planning costs will be required to develop an agency-level approach. Implementation costs for programs should occur starting in FY24, not before.

DNR assumes this will be similar to SEPA and that analyses will be required for a similar array of program activities (e.g., all timber sales). While the exact number of projects that will be considered “significant agency actions” and require an EJ assessment is indeterminate, DNR programs should seek to provide estimates to OFM. Programs are requested to identify estimated number of projects that might be “significant actions” per year.

DNR currently assumes that most agency activities would be considered “significant agency actions” and require an EJ assessment with the exception of the following. Section 14 (9) exempts forest practices permits and sale of timber from state lands and state forestlands. Also, per OFM’s assumption of the definition of “significant agency actions” sec. 2 (d) major capital projects of at least \$5,000,000 – this would exclude DNR’s forest road work. And finally, despite language in section 21 regarding exemptions, the agency has received AG guidance that the current language in the bill does not exempt any further DNR activities.

DNR assumes the department will develop one standard method that will be applied to all significant agency actions. The most effective and equitable strategy will be to develop a standard policy /checklist that would be applied to all significant agency actions requiring an assessment which will be conducted in a uniform way across all programs.

While overall totals are likely still indeterminate, OFM has requested as much information as possible. Please make projections about the total number of actions that each program reasonably expects could be considered a significant agency action; a range using best estimates in fine. Any cost projections based on comparable assessments your program may engage in will also help to provide information to OFM.

Sec 16 – The DNR Budget office will develop and incorporate environmental justice principles into its decision processes for budget development.

Sec 17 – DNR programs will adhere to the reporting requirements when appropriate.



Sec 18 – Tribal Consultation - The DNR Tribal Liaison will consult with Indian Tribes on all significant agency actions, programs and on the distribution of state funds that affect tribes’ rights and interests in their tribal lands. Depending how “significant agency action” is ultimately defined, this is likely to expand the current work of DNR Tribal Liaison.

Sec 20 – The DNR member on the environmental Justice Council will be appointed at the executive level. Assume annual participation and this would be approximately 0.2 FTE, likely from the agency lead on Equity Analyses. In Addition, another .5 FTE Senior Policy Advisor will be needed to participate in the DOH’s interagency workgroup in Sec. 20(7)(a).

Sec 21 - Despite language in section 21 regarding exemptions, the agency has received AG guidance that the current language in the bill does not exempt most department work not identified in above narrative.

Sec 22 – Agency actions that are subject to or result from the requirements of this bill may be appealed.

#### Additional Department Assumption on Fund Sources :

DNR assumes that the costs for funding this bill both identified and unidentified are with general fund state dollars. A number of DNR accounts are stressed including management accounts (FDA, RMCA, ALEA) that make funding this initiative with other DNR dedicated accounts extremely difficult given current revenue conditions.

All DNR programs are requesting General Fund State funding to meet the requirements of this bill because other agency accounts have fund balance issues. Because of these fund balance issues, we would not prioritize the costs of this bill over our current legislatively mandated activities. Examples of the stressed nature of DNR’s dedicated accounts are as follows;

#### Forest Resources and Product Sales and Leasing

The majority of the operating funds for activities occurring on state trust lands comes from FDA (for state forestlands), RMCA (for state lands), FHRA (forest health, eastside) and a small portion comes from Ag Trust.

#### Conservation, Recreation & Transactions

The funds for CRT programs comes from a variety of sources depending on the program: NOVA, ORV, PLTRA (Parkland), Grant funding, General Fund State FDA, RMCA, AgTrust, CFTA (Community Forests), NRCA (Natural Resource Conservation), and ALEA.

#### Engineering

The funds for the Forest Roads Program comes from ARRF and a small amounts from ORV.

#### Expenditure Detail Narrative:

#### E2SSB 5141 – ATG Office

In consultation with the ATG office DNR's cost for AG services are as follows: .1 FTE of AG Legal time in FY22 and FY23, and .25 FTE for each year thereafter. For clarity, the costs shown here represent the total costs across the agency and for all bill sections regarding needed consultation with the AG.

ATG Services - \$24,400 for FY22 and FY23, and \$61,000 ongoing thereafter

#### Section 12 – DNR Policy Office

This bill requires that DNR update the agency’s strategic plan to incorporate an Environmental Justice Implementation Plan component. The work will be done through the DNR policy office with support from deputies /program leadership.

This work would align with plans to convene an Equity and Environmental Justice advisory committee and set agency goals/metrics. Staff needs:

Policy Advisor level needed to coordinate the process and work with programs to determine goals and metrics.  
Environmental Justice Lead will contribute including working with deputies during update process. WMS2 (.1 FTE – FY22, .05 FTE – FY23) WMS-3 (.3 FTE – FY22, .15FTE – FY23).

Total staff need: .4 FTE in FY22 and .2 FTE in FY23  
Salaries - \$37,000 for FY22 and \$18,500 for FY23.  
Benefits - \$12,400 for FY22 and \$6,200 for FY23.  
Goods & Services - \$1,200 for FY22 and \$600 for FY23.  
Travel - \$700 for FY22 and \$300 for FY23.  
Rent - \$3,000 for FY22 and \$1,500 for FY23.  
Admin - \$15,900 for FY22 and \$7,900 for FY23.  
Total - \$70,200 for FY22 and \$35,000 for FY23.

## Section 12 – Forest Health Program

This section specifically requires DNR to update the strategic plan to include an EJ assessment strategy. In addition, the act requires that all other department strategic planning documents are also updated to include EJ implementation plans.

The FHRD is responsible for two (2) major, long term strategic planning documents: the 20-Year Forest Health Strategic Plan (2017) and the Washington State Forest Action Plan (2020; 5-years). Both plans are extremely complex, specifically require (by law) engagement of stakeholders, have multi-program, statewide impacts, and will require EJ plan inclusions. This factor, specifically, makes this effort a “staff heavy” endeavor above and beyond the capacity needed to support the agency’s strategic planning process.

Based on agency assumptions, the FHRD will need to provide partial support from the Division and Assist. Division Manager levels for the agency wide strategic planning process. Sequentially, the Division will require dedicated project management support to complete the additions to the Division’s two strategic planning documents. This endeavor will require partial support from the current planning coordinators for both plans. The additional planning effort will require an extension of resources into FY 23. An extensive amount of contracts and agreements directly reference and are associated with these plans, which will require modification and accounting for in the process, requiring partial capacity of FHRD’s Contracts Specialist. Finally, baseline data collection, assessment, and management will be needed to inform the plan development process, and will require partial support of a Management Analyst 3.

All FTEs are for FY22 and FY23, per agency assumptions. Staff requirements as follows :

NR Division Manager (.2 FTE – FY22, .1 FTE – FY23); Forest Health & Resiliency Division Manager) to provide necessary contributions to the agency’s strategic planning process and oversight to the Division’s updates to strategic planning documents.

Washington Management System 2 (.8 FTE - FY22, .4 FTE FY23) represents four (4) Assistant Division Managers for (1) Community and Landowner Assistance, (2) Federal Lands, (3) Science, Planning & Monitoring, and (3) Prescribed Fire to provide support to the agency planning process (FY22) and oversee the Division’s updates to strategic planning documents (FY23)

Environmental Planner 4 (.4 FTE FY 22 and .2 FTE FY 23) represents two (2) Environmental Planners, each responsible for the Forest Action Plan and 20-Year Forest Health Strategic Plan respectively. Responsible for providing technical guidance to Project Manager

Contract Specialist 2 (.1 FTE - FY22; .05 FTE - FY23) responsible for ensuring alignment of necessary and associated

contracts and agreements with changes to the forest action plan and forest health strategic plan.

Program Manager Support – (.4 FTE – FY22, .2 FTE – FY23) staff support for managers in Urban and Community Forestry, Wildfire Prevention & Preparedness, Forest Health Planning, and Federal Lands Implementation and Planning.

Administrative Assistant-DNR (1.0 FTE - FY22, .5 FTE - FY23) Project Manager responsible for the development of EJ Implementation plans for both the Forest Action Plan and the 20-Year Forest Health Strategic Plan, sequentially following the agency's EJ Implementation Plan development process for DNR's strategic plan.

Management Analyst 3 (.5 FTE - FY22, .25 FTE - FY23) to contribute to baseline data acquisition, modeling, analyses, and management for contributing to department wide and Division specific strategic planning processes.

Total staff need for FY22 – 3.4 FTE, 1.7 for FY23  
Salaries - \$281,100 for FY22, \$140,400 for FY23  
Benefits - \$98,400 for FY22, \$49,200 for FY23  
Goods & Services - \$7,500 for FY22, \$3,700 for FY23  
Workstation - \$14,000 for FY22  
Travel - \$26,800 for FY22, \$7,200 for FY23  
Equipment - \$7,500 computers in FY22  
Rent - \$25,500 in FY22, \$12,800 for FY23  
Admin - \$128,300 in FY22, \$62,200 for FY23  
Total - \$589,100 in FY22, \$275,500 for FY23

## Section 12 – Aquatics

As part of DNR's strategic plan, DNR shall include an environmental justice implementation plan within 18 months of the effective date of this section. The plan must describe how the agency will apply the principles of environmental justice to the agency's activities and guide the agency in its implementation of its obligations under this act. The Section 12 narrative for DNR's Policy Office indicates that the Policy Office will work with programs to determine goals and metrics. Per assumptions from DNR's Policy Office, this would require :

“Policy Advisor level needed to coordinate the process and work with programs to determine goals and metrics.” Per the Policy office, this would require participation from a Division Manager at 0.2 FTE, for 18 months starting in FY 22.

Natural Resources Division Manager (NR Div. Mgr.) at 0.2 FTE

Salaries - \$19,600 for FY22, \$9,800 for FY23  
Benefits - \$6,400 for FY22, \$3,200 for FY23  
Goods & Services - \$500 for FY22, \$200 for FY23  
Travel - \$1,300 for FY22, \$700 for FY23  
Rent - \$1,500 in FY22, \$800 in FY23  
Admin - \$8,600 in FY22, \$4,300 in FY23  
Total - \$37,900 in FY22, \$19,000 in FY23

## Section 12 – Forest Practices

The Section 12 narrative for DNR's Policy Office indicates that the Policy Office will work with programs to determine goals and metrics. Per assumptions from DNR's Policy Office, this would require :

Deputy Director at 0.05FTE and Assistant Division Manager at 0.20 FTE will provide input to contribute to update a plan and review agency goals/metrics for 18 months starting in FY22.

Salaries - \$24,100 for FY22; \$12,100 for FY23  
Benefits - \$7,900 for FY22; \$4,000 for FY23  
Goods & Services - \$300 for FY22; \$200 for FY23  
Travel - \$200 for FY22; \$100 for FY23  
Rent - \$1,900 in FY22; \$1,000 for FY23  
Admin - \$10,100 in FY22; \$5,100 for FY23  
Total - 44,500 in FY22; \$22,500 for FY23

#### Section 12 – Product Sales & Leasing

Division Manager and ADM would need to participate in preparation of the agency strategic plan. One staff month each for fiscal year 2022 – assuming the strategic plan will not be an annual requirement. (.08 FTE WMS3 and .08 WMS2)

Salaries - \$16,100 for FY22  
Benefits - \$5,400 for FY22  
Goods & Services - \$300 for FY22  
Travel - \$1,200 for FY22  
Rent - \$1,300 for FY22  
Admin - \$7,100 for FY22  
Total - \$31,400 for FY22

#### Section 12 – Conservation, Recreation & Transactions

CRT division has many activities that require participation in preparation of the agency strategic plan (Recreation, Natural Areas, and Asset Planning and Transactions activities). Agency strategic plans for environmental justice principles. (.3 FTE Environmental Planner 4)

Salaries - \$25,900 for FY22 and \$13,000 for FY23  
Benefits - \$8,900 for FY22 and \$4,500 for FY23  
Goods & Services - \$2,300 for FY22 and \$1,100 for FY23  
Travel - \$4,300 for FY22 and \$2,200 for FY23  
Rent - \$2,300 for FY22 and \$1,100 for FY23  
Admin - \$12,800 for FY22 and \$6,400 for FY23  
Total - \$56,500 for FY22 and \$28,300 for FY23

#### Section 12 – Forest Resources

Agency strategic plans for environmental justice principles. (Environmental Planner 4 - .25 FTE for FY22 and .13 FTE for FY23, and IT Data Management Journey - .17 FTE for FY22 and .08 FTE for FY23).

Salaries - \$38,600 for FY22 and \$19,300 for FY23  
Benefits - \$13,000 for FY22 and \$6,500 for FY23  
Goods & Services - \$800 for FY22 and \$400 for FY23  
Travel - \$2,600 for FY22 and \$1,300 for FY23  
Rent - \$3,200 for FY22 and \$1,600 for FY23  
Admin - \$17,100 for FY22 and \$8,500 for FY23  
Total - \$75,300 for FY22 and \$37,600 for FY23

#### Section 13 – DNR Policy Office

This section requires DNR to develop a community engagement plan. DNR currently does not have an existing

agency-wide community engagement plan. This will require staff time to develop and additional work to implement.

Staff need: Policy Advisor for external affairs – WMS-2 – 1.0 FTE for FY22

Environmental Justice Lead – WMS-3 - .2 FTE for FY22

Salaries - \$109,300 for FY22

Benefits - \$37,000 for FY22

Goods & Services - \$3,700 for FY22

Travel - \$2,000 for FY22

Rent - \$9,000 for FY22

Admin - \$47,100 for FY22

Total - \$208,100 for FY22

### Section 13 – Aquatics

This section requires DNR to develop a community engagement plan. DNR does not have an existing agency-wide plan. Per the Section 13 narrative for DNR's Policy Office, individual programs engage with communities in various ways but a coordinated agency-wide approach should be developed through policy /external affairs team with input from programs. Per assumptions from DNR's Policy Office, this would require :

Environmental Planner 4 (EP4) at 0.2 FTE

Salaries - \$17,300 for FY22

Benefits - \$5,900 for FY22

Goods & Services - \$500 for FY22

Travel - \$1,300 for FY22

Rent - \$1,500 in FY22

Admin - \$7,800 in FY22

Total - \$34,300 in FY22

### Section 13 – Conservation, Recreation & Transactions

For recreation plans and projects, land purchases and dispositions (for conservation and Trust lands), and for land management activities/plans on Natural Areas we would need to develop a plan and possibly change our engagement.

Environmental Planner 4 (.3 FTE)

Salaries - \$25,900 for FY22

Benefits - \$8,900 for FY22

Goods & Services - \$2,300 for FY22

Travel - \$4,300 for FY22

Rent - \$2,300 for FY22

Admin - \$12,800 for FY22

Total - \$56,500 for FY22

Section 14 Assumption: Please refer to DNR's assumptions on section 14 under Policy Office assumptions at the beginning of the fiscal detail narrative section.

### Section 14 – DNR Policy Office

EJ assessments will begin with FY24. Although it is indeterminate to know what a “significant agency action” means it is expected that the agency will need a Lead position for equity analysis. Staff need:

Equity Analysis Lead – for equity analysis to coordinate with programs on content of equity analysis and mitigation strategies to implement this bill – WMS3 - .6 FTE for FY24 and ongoing per year thereafter

Salaries - \$63,600 for FY24 and ongoing per year thereafter  
 Benefits - \$20,300 for FY24 and ongoing per year thereafter  
 Goods & Services - \$1,900 for FY24 and ongoing per year thereafter  
 \$7,000 for a one-time workstation in FY24  
 Travel - \$1,000 for FY24 and ongoing per year thereafter  
 Equipment - \$2,500 for Laptop in FY24, one-time  
 Rent - \$4,500 for FY24 and each year thereafter  
 Admin - \$26,900 FY24 and ongoing per year thereafter  
 Total - \$127,700 for FY24 and \$118,200 for each year thereafter

#### Section 14 – Geology

Expertise needed: Understanding of Environmental justice principals; understanding of potential impacts to RCW /WAC associated with requirements of subsection (5)(h) of this bill. Perform on average 20-25 Environmental Justice Assessments for projects that fall under this bill (current assumption that all surface mining reclamation permits, and oil and gas permits would be considered “significant agency actions” as interpreted from vague definition in the current bill version); associated public meetings and outreach.

Expertise needed: Understanding of Environmental Justice Assessment process, public meeting/ negotiation experience for establishing mitigations to potential EJ impacts with impacted communities as required by subsections (5)(d), (g), and (i) of this bill; tribal consultation expertise.

Staff/ time required: EP3/ 0.5 FTE in FY24 and ongoing

Salary - \$39,200 FY24 and ongoing  
 Benefits - \$14,100 FY24 and ongoing  
 Goods & Services - \$2,200 FY24 and ongoing  
 Workstation - \$7,000 FY24 one-time  
 Travel - \$2,600 FY24 and ongoing  
 Equipment - \$2,500 laptop computer FY24 one-time  
 Rent - \$3,800 for FY24 and ongoing  
 Admin - \$18,000 FY24 and ongoing  
 Total – \$89,400 FY23, and \$79,900 ongoing

#### Section 14 – Forest Health

When considering a significant agency action, DNR, using guidance and consultation of the council, must conduct an EJ assessment as described in the section. The precise impacts of this section to FHRD will depend on the exact interpretation of “significant agency actions”, but initial estimates are substantial due to the extensive portfolio of actions related to urban and community forestry, community resilience, landowner assistance, forest health treatment across all jurisdictions, and the application of prescribed fire. Further detail will be required to determine at what level an EJ assessment will be required. At this time, FHRD is estimating baseline minimum capacity as follows :

Environmental Planner 4 (1.0 FTE - FY24, ongoing) Forest Health Environmental Justice Planner to serve as the Division-wide lead for the development of EJ assessments; responsible for working with department lead in the development of department-wide EJ assessment process, providing technical expertise and support related to Division programs, and implementing EJ assessment process at Division.

Management Analyst 3 (.5 FTE - FY24, ongoing) to contribute to baseline data acquisition, modeling, analyses, and management for EJ assessment development, assessment, and monitoring.

Washington Management System 2 (.4 FTE - FY 24, ongoing) represents four (4) Asst. Division Managers for (1) Community and Landowner Assistance, (2) Federal Lands, (3) Science, Planning & Monitoring, and (3) Prescribed Fire to provide primary oversight and support to EJ assessments occurring within their subunits.

NR Specialist 5 (.2 FTE – FY24, ongoing) Urban & Community Forestry Program Manager to provide primary technical support to EJ assessment planning occurring within the program; responsible to support implementation (FY24); contribute to strategic planning and outreach plan development as needed.

Wildland Fire Program Coordinator 2 5 (.2 FTE – FY24, ongoing) Prevention & Preparedness Program Manager to provide primary technical support to EJ assessment planning occurring within the program; responsible to support implementation (FY24); contribute to strategic planning and outreach plan development as needed.

Environmental Planner 5 (.2 FTE – FY24, ongoing) Forest Health Planning Section Manager to provide primary technical support and management to EJ assessment planning occurring within the program; responsible to support implementation (FY24); contribute to strategic planning and outreach plan development as needed.

Total staff need for FY24 – 2.50 FTE – FY24, ongoing

Salaries - \$207,600 for FY24, ongoing  
Benefits - \$73,100 for FY24, ongoing  
Goods & Services - \$5,500 for FY24,  
Workstations (2) - \$14,000 FY24 one-time  
Travel - \$18,800 for FY24, ongoing  
Equipment - \$5,000 for laptops (2) in FY24  
Rent - \$18,800 for FY24 ongoing  
Admin - \$84,100 for FY24, ongoing  
Total – \$433,400 for FY24 and \$414,400 for each year thereafter

#### Section 14 – Aquatics

Based on the new definition of “significant agency action” and the exemptions provided in Section 21, Aquatics anticipates that the only action that would automatically trigger an environmental justice assessment would be rulemaking. Other actions may be deemed to be significant agency actions at DNR’s discretion, as the bill does direct agencies to identify any other actions that might qualify; however, based solely on the provisions of the bill, rulemaking would be the only action that would currently meet the criteria. Aquatics is assuming that it would participate in one (1) rulemaking process starting July 1, 2023 ongoing. This would require :

Environmental Planner 4 (EP4) at 0.5 FTE for FY24, FY25, FY26 and FY27.  
2 stakeholder meetings at the cost of \$500 each

Salaries - \$43,200 for FY24, FY25, FY26 and FY27  
Benefits - \$15,000 for FY24, FY25, FY26 and FY27  
Goods & Services - \$2,200 for FY24, FY25, FY26 and FY27  
Travel - \$4,300 for FY24, FY25, FY26 and FY27  
Rent - \$3,800 for FY24, FY25, FY26 and FY27  
Admin - \$19,700 for FY24, FY25, FY26 and FY27  
Total - \$88,200 for FY24, FY25, FY26 and FY27

#### Section 14 – Forest Practices

Forest Practices adopts the specific exemption for EJ assessments under Section 14 (9) for the issuance of forest

practices permits under chapter 76.09 20 RCW.

An Environmental Planner 3 (EP3) and Environmental Planner 4 (EP4) will assist DNR policy office in coordinating and researching the Environmental Justice Implementation Plan specific to the Forest Practices Program. This will include creating a process and do some research to identify impacted communities and the probable cumulative environmental health impacts resulting from rules protecting public resources.

The EP4 is the lead position and coordinates with DNR staff, caucus representatives and outside entities in the development and drafting of rules. Duties include research and analysis, preparation of reports, data, proposals, draft legislation, and other documents originating from DNR and other sources. These costs are reflected starting FY 24 and on-going.

The EP3 work includes researching and developing recommended changes to rules or FP program policy and assisting with all aspects of rule development. Conducts review of and interrupts environmental impacts through analysis and drafts corresponding State Environmental Policy Act documents. This position conducts research and analysis for cost/benefit analyses and if needed. These costs are reflected starting FY 24 and on-going.

The potential for Forest Practices to change rules as a result of the coordination with DNR's Policy Office in the identification of an environmental plan is not a clear outcome. The focus of this proposed legislation is to engage DNR staff in contributing to the process of evaluation and development of an environmental justice plan with agency specific goals and deliverables.

Total Staff: Environmental Planner 4 - .125 per year and Environmental Planner 3 - .125 per year.

Salaries - \$20,600 for FY24 and each year thereafter

Benefits - \$7,200 for FY24 and each year thereafter

Goods & Services - \$300 for FY24 and each year thereafter

Travel - \$200 for FY24 and each year thereafter

Rent - \$1,900 for FY24 and each year thereafter

Admin - \$8,800 for FY24 and each year thereafter

Total - \$39,000 for FY24 and for each year thereafter

#### Section 14 – Product Sales & Leasing

The revised definition in Section 2 for “significant agency action” helps but other definitions still remain problematic, including (5)(c) and (d). The new section 14(9) language eliminates the need for EJ Assessments for the sale of timber from DNR managed lands, and those costs are now removed. However, the department estimates that twelve projects per year will be undertaken to review and make local comprehensive plan zoning recommendation changes to local jurisdictions statewide and eight land conversion projects will be undertaken to move formerly commodity based activities to higher & better use for commercial real estate, clean energy projects, or other land use conversions. Each of these will require an environmental justice assessment.

Staff time for program EJ assessment work for estimated 12 projects per year on local comprehensive plan zoning changes to local jurisdictions and 8 land conversion projects to move formally commodity based activities to higher and better use activities like commercial real estate, clean energy or other land use conversions. WMS1 .25 FTE per year starting in FY24.

Salaries - \$18,400 for FY24 and each year thereafter

Benefits - \$6,800 for FY24 and each year thereafter

Goods & Services - \$500 for FY24 and each year thereafter

Travel - \$1,800 for FY24 and each year thereafter

Rent - \$1,900 for FY24 and each year thereafter

Admin - \$8,500 for FY24 and each year thereafter



Total - \$37,900 for FY24 and for each year thereafter

#### Section 14 – Conservation, Recreation & Transactions

Estimated number of CRT activities that would require EJ assessments :

##### Natural Areas

- Prescribed burning, 5-10 per year (high complexity)
- Establishing new natural area, 0-2 year (high complexity)
- Boundary expansions, magnitude of 3-10 per year (medium complexity)
- Development projects, 10-30 year (medium complexity)
- Pesticide applications, magnitude of dozens to over 100 per year (low complexity)

##### Natural Heritage

- Update plan, every two years

##### Transactions

- Trust land transactions (purchase, sale, exchange), 15 year (high complexity)
- Conservation land purchases, 15 year (medium-high complexity)

##### Recreation:

- Landscape planning, ongoing completing one per biennium, (high complexity)
- Development projects, 25-40 per year
- Spray, 10s per year, (low complexity)

##### Community Forest:

Water storage, water rights, etc., 0-1 per year, (high complexity)

Development projects, 0-5 per year (medium complexity)

Spray, 5-10 per year (low complexity)

In total, CRT Division expects 100-200 actions per year and requires staffing assistance from an Environmental Planner

4. The division has conservatively estimated that two EP4, fulltime and ongoing for the CRT Division, will be able to complete the work. The total cost of two EP4 positions is \$753,000 per biennium including agency overhead.

Environmental Justice Assessments - Staff need: EP4 – 1.0 FTE in FY24 and each year thereafter

Salaries - \$86,500 in FY24, and each year thereafter

Benefits - \$29,700 in FY24 and each year thereafter

Goods & Services - \$7,500 in FY24 and each year thereafter

Workstation - \$7,000 FY24 – one time

Travel - \$14,400 in FY24 and each year thereafter

Equipment - \$2,500 laptop FY24 – one time

Rent - \$7,500 in FY24 and each year thereafter

Admin - \$42,800 in FY24 and each year thereafter

Total - \$197,900 in FY24 and \$188,400 each year thereafter

#### Section 14 – Forest Resources

FRD assumes that this definition includes all state lands activities, including silviculture activities as well as agency planning efforts and plan implementation. Further, time to consult with tribes will increase.

##### Silviculture Activities

The FRD Silviculture program anticipates we will need to conduct the following number of environmental justice assessments annually to comply with section 14 of this bill. It is assumed that the additional requirements of section 18 (tribal consultation) will be accomplished by the same staff simultaneously with the assessments; for this reason no staff time has been specifically allocated to section 18 implementation.

Medium complexity actions - Average number per year, 13 herbicide contracts annually (43 individual geographic treatment units x 25 acres/unit = 1,075 acres treated/contract). 13,970 total acres on 560 distinct units annually. Cost Range ~ \$143,000/year (~\$11,000 per action)

Low complexity actions - Average number per year, 41 planting, manual vegetation control, and pre-commercial thinning contracts annually (30 individual geographic treatment units x 25 acres/unit = 750 acres treated/contract). 30,550 acres on 1,220 distinct units annually. Cost Range ~ \$286,000 /year (~\$7,000 per action)

Though it is anticipated that Silviculture program staff will conduct assessments for 54 low and medium complexity projects annually, the fact that these assessments will need to address potential issues on 1,780 distinct geographic treatment units, each having its own potentially impacted communities, means that a considerable amount of staff time will be required to conduct this work.

#### Projects/Plans/Policies/Procedures

High complexity actions - Highly complex significant agency actions that occur within FRD Project and Planning Section that may require an environmental justice assessment include environmental impact statements or other planning documents and analyses associated major Board of Natural Resources' decisions, such as setting a sustainable harvest level for eastern or western Washington or amending the Habitat Conservation Plan, or reports responding to legislative direction related to activities or processes occurring on state trust lands. These activities may also require tribal consultation. These activities occur infrequently, but are highly complex therefore making an environmental justice analysis time intensive for an EP4. Average Number per Year – One, Cost Range ~ \$57,000 /year

Medium/low complexity actions - Medium/low significant agency actions that occur within the FRD Projects and Planning Section that may require an environmental justice assessment would include procedures to implement policies that govern activities on state trust lands, including procedures to address inadvertent discovery of cultural resources, to provide guidance on implementing strategies within the State Trust Lands Habitat Conservation Plan, or other policies. Average Number per Year, Three- Six - Cost Range ~ \$28,000/year

#### Informatics Analytical Support

FRD anticipates that any uplands activities that will require environmental justice assessments will require the use of analytical tools that will be created and supported by Informatics staff. We anticipate the cost for providing this support to be ~\$39,000/year.

#### Expenditure Detail:

Environmental Justice Assessments – Natural Resource Specialist 3 (3.0 FTE ongoing) within regions to address the administrative requirements of these environmental justice analyses and incorporate them into the silvicultural contracting process and to field additional stakeholder scrutiny of the new documentation as well as the revenue generating activities. Starting FY24:

Salaries - \$207,600 in FY24, and each year thereafter

Benefits - \$81,900 in FY24 and each year thereafter

Goods & Services - \$5,400 in FY24 and each year thereafter

Travel - \$18,600 in FY24 and each year thereafter

Rent - \$22,500 in FY24 and each year thereafter

Admin - \$97,200 in FY24 and each year thereafter

Total - \$433,200 in FY24 and each year thereafter

#### Section 16 – DNR Policy Office

Policy time to advise the development and maintenance of agency guidance documents for incorporating environmental justice principles into decision processes related to budget and funding as described in this bill. EJ lead will coordinate with DNR budget team regarding incorporation of EHD map and related tools into budgeting. This will be ongoing as new budget questions or opportunities, or EJ data sources arise. Staff need :

Environmental Justice Lead - WMS3 - .05 FTE for FY22 and ongoing each year thereafter

Salaries - \$5,300 for FY22 and each year thereafter  
Benefits - \$ 1,700 for FY22 and each year thereafter  
Goods & Services - \$200 for FY22 and each year thereafter  
Travel - \$100 for FY22 and each year thereafter  
Rent - \$400 for FY22 and each year thereafter  
Admin - \$2,300 for FY22 and each year thereafter  
Total - \$10,000 for FY22 and each year thereafter

#### Section 16 – DNR Central Budget Office (CBO)

The CBO will be required to estimate the fiscal impact to develop and maintain agency guidance documents for incorporating environmental justice principles into decision processes related to budget and funding as described in this section. Until further guidance is received from the council, what rulemaking may be necessary to incorporate environmental justice principles is indeterminate. It is assumed any guidance from the council established in section 20 would come no later than one year following the first meeting of the council in September 2021. Total staff need - .25 FTE:

CFO (.05 FTE) for FY22 and each thereafter  
Budget Manager/Director (.05 FTE) for FY22 and each year thereafter  
WMS2 (.15 FTE) for FY22 and each year thereafter

Salaries - \$25,200 for FY22 and each year thereafter  
Benefits - \$ 8,100 for FY22 and each year thereafter  
Goods & Services - \$800 for FY22 and each year thereafter  
Travel - \$100 for FY22 and each year thereafter  
Rent - \$1,900 for FY22 and each year thereafter  
Admin - \$10,600 for FY22 and each year thereafter  
Total - \$46,700 for FY22 and each year thereafter

#### Section 16 – Product Sales and Leasing

Division Manager and ADM would need to participate in the agency budget preparation. One staff month each per biennium (Total .17 FTE).

Salaries - \$16,100 for FY23  
Benefits - \$ 5,400 for FY23  
Goods & Services - \$300 for FY23  
Travel - \$1,200 for FY23  
Rent - \$1,300 for FY23  
Admin - \$7,100 for FY23  
Total - \$31,400 for FY23

#### Section 17 – DNR Policy Office

DNR programs will adhere to the reporting requirements when appropriate. The Environmental Justice Lead will oversee the reporting requirements and coordinate inputs from programs to ensure consistency. Assume some programs may need staff to prepare necessary reporting requirements where work load would be substantial. Planning for these efforts to establish systems will begin 6 months before reporting, and start in FY25. Staff need: Environmental Justice Lead - WMS-3 - .05 FTE for FY25 and ongoing each year thereafter

Salaries - \$5,300 for FY25 and \$5,300 per year thereafter  
Benefits - \$1,700 for FY25 and \$1,700 per year thereafter  
Goods & Services - \$200 for FY25 and \$200 per year thereafter  
Travel - \$100 for FY25 and \$100 per year thereafter  
Rent - \$400 for FY25 and for each year thereafter  
Admin - \$2,300 for FY25 and \$2,300 per year thereafter  
Total - \$10,000 for FY25 and \$10,000 per year thereafter

#### Section 17 – Forest Health

Increase data management needs are necessitated to design methodology and collect, manage, maintain, and analyze data required to feed the OFM EJ dashboard report required under Section 17. The data management capacity will supplement that described above, resulting in a full FTE dedicated to EJ related data analysis, data design, and data management needs. This capacity supplements that described in Section 14, and is a continuation of capacity noted in Section 12.

Management Analyst 3 (.5 FTE - FY25, ongoing) to contribute to management of long term data needs for contributing to department wide and Division specific strategic planning processes.

Salaries - \$34,600 for FY25 and each year thereafter  
Benefits - \$13,100 for FY25 and each year thereafter  
Goods & Services - \$1,100 for FY25 and each year thereafter  
Travel - \$5,100 for FY25 and each year thereafter  
Rent - \$3,800 for FY25 and each year thereafter  
Admin - \$14,600 for FY25 and each year thereafter  
Total – \$72,300 for FY25 and each year thereafter

#### Section 17 – Product Sales & Leasing

Assist in preparation of the annual environmental justice implementation report - all analyses and tribal consultations would need to be centrally collected, compiled, and prepared for the report. This would require a NRS 4 (0.5 FTE to start and 0.33 FTE ongoing). This would also require oversight and review by both a WMS 2 (ADM .08 FTE to start and .04 FTE ongoing) and a WMS 3 (Division Manager .08 FTE to start and .04 FTE ongoing). Total - .67 FTE in FY22 and .42 FTE ongoing.

Salaries - \$53,400 for FY25 and \$33,000 per year thereafter  
Benefits - \$19,600 for FY25 and \$12,100 per year thereafter  
Goods & Services - \$1,300 for FY25 and \$800 per year thereafter  
Travel - \$4,800 for FY25 and \$3,000 per year thereafter  
Rent - \$5,000 for FY25 and \$3,200 each year thereafter  
Admin - \$24,500 for FY25 and \$15,200 per year thereafter  
Total - \$108,600 for FY25 and \$67,300 per year thereafter

#### Section 17 – Conservation, Recreation & Transactions

Assist in preparation of the annual environmental justice implementation report - all analyses and tribal consultations

would need to be centrally collected, compiled, and prepared for the report. CRT would require .2 FTE— Environmental Planner 4 to work with other planners, engage with communities, and develop plans specific to CRT programs. Starting in FY25 and ongoing;

Salaries - \$17,300 for FY25 and each year thereafter  
Benefits - \$5,900 for FY25 and each year thereafter  
Goods & Services - \$1,500 for FY25 and each year thereafter  
Travel - \$2,900 for FY25 and each year thereafter  
Rent - \$1,500 for FY25 and each year thereafter  
Admin - \$8,600 for FY25 and each year thereafter  
Total - \$37,700 for FY25 and each year thereafter

#### Section 18 – DNR Tribal Liaison

The DNR Tribal Liaison will consult with Indian Tribes on all significant agency actions, programs and on the distribution of state funds that affect tribes' rights and interests in their tribal lands. Depending how "significant agency action" is ultimately defined, this is likely to expand the current work of DNR Tribal Liaison. A possible estimate is 0.2 FTE, based on sister agency input.

Tribal Relations: Environmental Justice Lead – WMS-2 - .2 FTE for FY22 and each year thereafter

Salaries - \$17,600 for FY22 and \$17,600 per year thereafter  
Benefits - \$6,000 for FY22 and \$6,000 per year thereafter  
Goods & Services - \$600 for FY22 and \$600 per year thereafter  
Travel - \$700 for FY22 and \$300 per year thereafter  
Rent - \$1,500 for FY22 and \$1,500 each year thereafter  
Admin - \$7,600 for FY22 and \$7,600 per year thereafter  
Total - \$33,600 for FY22 and \$33,600 per year thereafter

#### Section 18 – Product Sales & Leasing

The DNR policy shop has assumed that most of the required consultation will occur at the government to government level. However, the product sales program already consults with some tribes on many timber sales projects at a project level basis, and this section is considered new work. Current tribal consultations are specific to cultural resources and are primarily between the tribal staff and DNR archeologists. This new work is specific to state lands foresters. It is assumed that different tribal staff will also be involved as archeology is a highly specialized field of knowledge. It is assumed that this would require a tribal consultation for most PSL Division projects on state lands. This is some of the Region staffing for each Region. It is also assumed that most, if not all timber sales would need to conduct a tribal consultation.

This work would be done by a WMS1 (part of one in each region- total .83 FY22 and .42 FTE ongoing) and some will also involve a NRS 2 (one FTE in each region – total 5.0 FTE). It is required even if a tribe does not request a consultation.

Salaries - \$371,200 for FY22 and \$339,900 per year thereafter  
Benefits - \$151,700 for FY22 and \$140,300 per year thereafter  
Goods & Services - \$11,700 for FY22 and \$10,800 per year thereafter  
Travel - \$42,000 for FY22 and \$39,000 per year thereafter  
Rent - \$43,700 for FY22 and \$40,700 each year thereafter  
Admin - \$178,700 for FY22 and \$164,300 per year thereafter  
Total - \$799,000 for FY22 and \$735,000 per year thereafter

## Section 18 – Forest Roads

DNR's forest roads program already does tribal consultation, however additional consultation would be required based on bill language. A .04 FTE Civil Engineer 4 (CE4) is needed to engage tribes.

Salaries - \$4,000 per year  
Benefits - \$1,300 per year  
Goods & Services - \$100 per year  
Travel - \$800 per year  
Rent - \$300 per year  
Admin - \$1,700 per year  
Total – \$8,200 per year

## Section 18 – Conservation, Recreation & Transactions

Tribal consultations on division work. Environmental Planner 4 - .2 FTE each year

Salaries - \$17,300 for FY22 and each year thereafter  
Benefits - \$5,900 for FY22 and each year thereafter  
Goods & Services - \$1,500 for FY22 and each year thereafter  
Travel - \$2,900 for FY22 and each year thereafter  
Rent - \$1,500 for FY22 and each year thereafter  
Admin - \$8,600 for FY22 and each year thereafter  
Total - \$37,700 for FY22 and each year thereafter

## Section 20 – DNR Policy Office

Sec 20(2) – Environmental Justice Council – The DNR member on the environmental Justice Council will be appointed at the executive level. Assume that DNR participates every year, this would be approximately 0.1 FTE, likely from the agency Lead on Equity Analyses. Staff need:

Environmental Justice Lead – WMS-3 - .1 FTE for FY22 and ongoing each year thereafter

Sec 20(7) - With input and assistance from the environmental justice council, DOH must establish an interagency work group to assist agencies in incorporating environmental justice into agency decision making. The work group must include staff from each agency directed to implement environmental justice provisions under this chapter and may include members from the council.

DNR assumes that a 0.5 FTE Senior Policy Advisor would be needed to fulfill the requirements of being part of this workgroup. Attendance at six meetings, responsible for convening /facilitating the internal work required to meet expectations of the workgroup including: attending or leading the internal DNR EJ advisory group; presenting to deputies and other leaders in the agency; working with staff to get data and information required for requests of the workgroup; and working alongside executive management staff to ensure full agency alignment with bill priorities.

Total staff time: .6 FTE WMS3-.1/Sr. Policy Advisor-.5  
Salaries - \$60,600 for FY22 and \$60,600 per year thereafter  
Benefits - \$19,600 for FY22 and \$19,600 per year thereafter  
Goods & Services - \$1,900 for FY22 and \$1,900 per year thereafter  
Workstation - \$7,000 for FY22, one-time  
Travel - \$1,000 for FY22 and \$1,000 per year thereafter  
Equipment - \$2,500 for FY22, one-time  
Rent - \$4,500 for FY22 and \$4,500 each year thereafter  
Admin - \$25,800 for FY22 and \$25,800 per year thereafter

Total - \$122,900 for FY22 and \$113,400 per year thereafter

## Section22 - Product Sales & Leasing

This section provides new opportunities to appeal activities performed and approved by the agency and the BNR based upon the definitions in Section 2. (per AAG counsel). The staff time in Section 22 is to manage that new workload and support the AAGs that will handle those appeals. Staff time: WMS2 - .04 FTE per year starting in FY23 and thereafter and NR Specialist 4 - .17 FTE in FY23 and .25 FTE per year thereafter.

Salaries - \$16,100 for FY23 and \$22,400 per year thereafter

Benefits - \$5,900 for FY23 and \$8,400 per year thereafter

Goods & Services - \$400 for FY23 and \$600 per year thereafter

Travel - \$1,500 for FY23 and \$2,100 per year thereafter

Rent - \$1,600 for FY23 and \$2,200 each year thereafter

Admin - \$7,400 for FY23 and \$10,400 per year thereafter

Total - \$32,900 for FY23 and \$46,100 per year thereafter

Agency Totals for this bill:

Please note that these amounts are only for those fiscal impacts that can be identified at this time. There are various indeterminate costs not available for quantification due to unknown factors.

FTE – 14.01 for FY22; 9.62 for FY23; 15.65 for FY24, 17.23 for FY25, 16.82 for FY26 and 17.0 for FY27

Salaries - \$1,096,100 for FY22; \$715,200 for FY23; \$1,179,000 for FY24, \$1,305,700 for FY25, \$1,269,200 for FY26 and \$1,285,300 for FY27

Benefits - \$398,500 for FY22; \$267,800 for FY23; \$439,400 for FY24, \$485,100 for FY25, & \$472,200 for FY26 and \$477,600 for FY27

G&S - \$235,900 for FY22, \$119,700 for FY23; \$269,700 for FY24, \$237,100 for FY25, \$233,200 for FY26 and \$234,800 for FY27 (includes one-time workstations; 10 in FY22 and 7 in FY24 for \$70,000 and \$49,000 respectively).

Travel - \$91,900 for FY22; \$58,700 for FY23; \$114,500 for FY24, \$128,600 for FY25, \$125,600 for FY26 and \$126,800 for FY27.

Equipment - \$25,000 in FY22 and \$17,500 in FY24 for laptops (these amounts may eventually be much higher).

Admin - \$502,900 in FY22, \$329,800 in FY23, \$537,300 in FY24, \$594,400 in FY25, \$578,000 in FY26 and \$585,100 for FY27.

Total - \$2,371,300 in FY22; \$1,491,200 in FY23; \$2,592,400 in FY24, \$2,750,900 in FY25, \$2,678,200 in FY26 and \$2,709,600 in FY27.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
001-1	General Fund	State	2,350,300	1,491,200	3,841,500	5,308,300	5,387,800
Total \$			2,350,300	1,491,200	3,841,500	5,308,300	5,387,800

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	14.0	9.6	11.8	16.5	16.9
A-Salaries and Wages	1,096,100	715,200	1,811,300	2,484,700	2,554,500
B-Employee Benefits	398,500	267,800	666,300	924,500	949,800
C-Professional Service Contracts					
E-Goods and Other Services	235,900	119,700	355,600	506,800	468,000
G-Travel	91,900	58,700	150,600	243,100	252,400
J-Capital Outlays	25,000		25,000	17,500	
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-Admin	502,900	329,800	832,700	1,131,700	1,163,100
<b>Total \$</b>	<b>2,350,300</b>	<b>1,491,200</b>	<b>3,841,500</b>	<b>5,308,300</b>	<b>5,387,800</b>

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2022	FY 2023	2021-23	2023-25	2025-27
Admin Assistant	82,000	1.0	0.5	0.8		
Budget Manager	110,000	0.1	0.1	0.1	0.1	0.1
CFO	130,000	0.1	0.1	0.1	0.1	0.1
Civil Engineer 4	95,484	0.0	0.0	0.0	0.0	0.0
Contracts Specialist 2	67,560	0.1	0.1	0.1		
Deputy Director	130,728	0.1	0.0	0.0		
Environmental Planner 3	78,408				0.6	0.6
Environmental Planner 4	86,484	1.7	0.7	1.2	2.9	3.0
Environmental Planner 5	95,484				0.2	0.2
IT Data Manager	86,484	0.2	0.1	0.1		
Management Analyst 3	78,408	0.5	0.3	0.4	0.8	1.0
NR Division Manager	98,028	0.4	0.2	0.3		
NR Specialist 2	61,224	5.0	5.0	5.0	5.0	5.0
NR Specialist 3	69,264				3.0	3.0
NR Specialist 4	74,604		0.2	0.1	0.5	0.6
NR Specialist 5	80,292				0.2	0.2
Program Management Support	82,440	0.4	0.2	0.3		
Senior Policy Advisor	100,000	0.5	0.5	0.5	0.5	0.5
Wildfire Program Coordinator 2	80,292				0.2	0.2
WMS-1	73,690	0.8	0.4	0.6	0.7	0.7
WMS-2	88,110	2.5	1.0	1.8	0.9	0.9
WMS-3	106,052	0.7	0.4	0.6	0.9	0.9
<b>Total FTEs</b>		<b>14.0</b>	<b>9.6</b>	<b>11.9</b>	<b>16.5</b>	<b>16.9</b>

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE



**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods*

NONE

**IV. D - Capital FTE Detail:** *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part IVB*

NONE

**Part V: New Rule Making Required**