



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

October 30, 2023

Dear Honorable Tribal Leaders & Tribal Partners,

**SUBJECT: CONSULTATION II UPDATE - Environmental Justice Capacity Grant Prioritization
Requested by November 13, 2023**

In accordance with chapter [43.376 RCW](#), the [Washington State Centennial Accord of 1989](#), and [DOH Consultation and Collaboration Procedure](#) we invite collaboration with Indian tribes and tribal organizations in the development of policies, agreements, and program implementation that directly affects Indian tribes and tribal people. We held Consultation II on the Healthy Environment for All Act Capacity grants on Friday, October 27, 2023.

The intent of these grant funds is to support participation in the implementation of [Healthy Environment for All \(HEAL\) Act](#), including providing guidance and input to [covered agencies](#), the [Environmental Justice Council](#), and the Department of Health on updates to the [Environmental Health Disparities Map](#). All three categories of Healthy Environment for All Act activities may impact tribal people and resources.

At Consultation II we shared a [Consultation Party Response form](#) requesting Tribal Leaders or their Authorized Representatives and Tribal Organization Leaders as Parties to Consultation in Appendix C of the DOH Consultation and Collaboration Procedure provide input into the prioritization of allocating grant funds for the Healthy Environment for All Act Capacity grant program. **Provide written comments or complete the form by 11:59PM on Monday, November 13, 2023.** After receiving responses, we will determine if there is agreement or if an additional consultation is needed.

If you need additional information or want to provide written comments, please contact Laura Johnson, Office Director for Environmental Public Health Sciences, at 360-236-3325 or laura.johnson@doh.wa.gov.

For tribal related matters please contact Candice Wilson – Quatz'tenaut, our agency's Tribal Policy Director, by telephone at 260-819-7626 or by email at candice.wilson@doh.wa.gov.

Enclosed is a written summary of the Consultation II discussions, including tribal feedback provided, presentation given at Consultation II, and form to provide input. We request tribal concurrence regarding the information provided in the summary.

CONSULTATION II UPDATE - Environmental Justice Capacity Grant Prioritization Requested by November 13, 2023

October 30, 2023

Respectfully,

A handwritten signature in black ink, appearing to read 'Umair A. Shah', with a stylized flourish at the end.

Umair A. Shah, MD, MPH
Secretary of Health

Enclosure: Summary of Consultation II, Consultation II presentation, Copy of Response Form

cc: The Honorable Misty Napeahi, Tulalip Tribes
Lacy Fehrenbach, Chief of Prevention, Safety and Health, Department of Health
Kristopher Holiday, Chief of Strategic Partnerships, Department of Health
Lauren Jenks, Assistant Secretary of Environmental Public Health, Department of Health
Laura Johnson, Office Director, Environmental Public Health Sciences, Dept of Health
Elizabeth Perez, Chief of Public Affairs and Equity, Department of Health
Kristin Peterson, Chief of Policy, Planning & Evaluation, Department of Health
Sierra Rotakhina, Environmental Justice Council Manager
Jessica Todorovich, Chief of Staff, Department of Health
Candice Wilson – Quatz'tenaut (Lummi), Tribal Policy Director, Department of Health



Environmental Justice Grants Tribal Consultation



October 27, 2023

AGENDA

Welcome and Introductions/Dr. Shah & Candice

Commitment to Government to Government/Lacy

Issue for Consultation/Laura

Background/Rowena

Recommendations for Funding Prioritization and Allocation/Laura

Questions/Comments/Lacy & All

Next Steps and Closing/Lacy & Candice

A scenic photograph of a lake with a forested shoreline and a large tree in the foreground. The image is partially obscured by a white, torn-edge graphic at the bottom.

Government-to-Government Commitment

Washington State Department of Health | 3

EJ GRANTS CONSULTATION TIMELINE



Issue for Consultation

- The development of the HEAL Act Capacity grant program.



HEAL Capacity

- \$26,355,000
- One-time funding
- Capacity to engage in Healthy Environment for All Act:
 - Agencies' implementation
 - Env Justice Council
 - Env Health Disparities map
- At least 50% to Tribes and Tribal Orgs
- Funding may be used to hire or contract staff



Workplace Safety

- \$10,000,000
- Ongoing funding
- Improve workplace health and safety for workers burdened by the intersection of their work and climate impacts, can include purchasing equipment



Community Budget

- \$38,600,000
- One-time funding
- Community-recommended decarbonization* and climate resiliency projects in five communities

*reducing greenhouse gas emissions

Healthy Environment for All Act – Intent

- The purpose of the law is to reduce environmental and health disparities in Washington, center environmental justice in Washington state government, and improve the health of all Washington state residents, by:
 - Implementing Environmental Justice Task Force Recommendations
 - Reducing exposures to environmental hazards within Indian country due to off-reservation activities within the state
 - Improving state practices to reduce contamination of traditional foods
 - Administering programs to remedy the effects of past disparate treatment

In order for all communities in Washington state to be healthy and thriving, state government should aim to concentrate government actions to benefit communities that currently have the greatest environmental and health burdens. (RCW [70A.02.005](#))

Healthy Environment for All Act - Overview

Environmental Justice Council

Community Forum

Guidance to Governor, Legislature, and Agencies

Agency Accountability

Washington Tracking Network

Tribal Consultation

Maintain and update Environmental Health Disparities Map

Healthy Environment for All Act Covered Agencies

Tribal Consultation

Community Engagement

Strategic Planning

Environmental Justice Assessments

Budgeting and Funding

Metrics and Reporting

Transformation of Agency Culture, Policy, and Practice



Healthy Environment for All and Climate Commitment Act – Tribal Consultation Requirements

Healthy Environment for All Act (RCW [70A.02.100](#))

- Requires consultation on Significant Agency Actions that affect Federally Recognized Indian Tribes' rights and interests in their tribal lands
 - "Tribal lands" has the same meaning as "Indian country" as provided in 18 U.S.C. Sec. 1151, and also includes sacred sites, traditional cultural properties, burial grounds, and other Tribal sites protected by federal or state law.
- Development of a new grant program is a Significant Agency Action.

Climate Commitment Act (RCW [70A.65.305](#))

- Requires consultation with any affected Federally Recognized Tribe on all funding decisions and funding programs that may impact Tribal resources, including Tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in Tribal lands and lands within which a Tribe or Tribes possess rights reserved or protected by federal treaty, statute, or executive order.
 - These new grant programs are funded through the Climate Commitment Act.

Context of New Grant Programs

2021:

- [Chapter 70A.02 RCW](#), or the Healthy Environment for All (HEAL) Act directs the Department of Health to staff an [Environmental Justice Council](#). Council includes four tribal representatives:
 - Hon. Jarred-Michael Erickson – Member from tribal community, Eastern Washington
 - Vacant - Member from tribal community, Western Washington
 - Hon. Misty Napeahi (delegate: AJ Dotzauer) - Member from tribal community (added through CCA)
 - Vacant - Member from tribal community (added through CCA)
- [Chapter 70A.65 RCW](#), or the Climate Commitment Act (CCA) caps and reduces greenhouse gas emissions.
 - At least 35% of funds invested in projects that benefit overburdened communities, and a minimum of 10% go to projects with Tribal support

Context of New Grant Programs – Continued

2022:

- Environmental Justice Council convenes, develops by-laws and processes, and provides advise to agencies.

2023:

- Environmental Justice Council adopts Climate Commitment Act [funding recommendations](#) and [budget priorities](#).
- Consultation on the [Environmental Health Disparities map](#), ongoing improvements based on tribal concerns, and hiring Tribal Relations Equity and Social Justice Strategist
 - Environmental Health Disparities map is an interactive mapping tool that provides insights into prioritizing public investments and decisions

Healthy Environment for All Act Capacity Grant - Background

Idea

- Environmental Justice Council identified need for Tribes, Tribal Organizations, and communities to build capacity to engage with and guide the HEAL Act work.
- Environmental Justice Council developed recommendation to governor and legislature in their 2022 [funding recommendations](#) and [budget priorities](#).

Proviso

- Legislature developed proviso (funding in state budget) to create new grant program.
- Environmental Justice Council staff advocated for enough funding for each Tribe to hire or contract at least 1 FTE (\$225,000/entity for 18 months).

Implement

- Department of Health estimated implementation costs and expects to distribute \$23.4M in grants (50% = \$11.7M).
- Department of Health began planning grant program.

Healthy Environment for All Act Capacity Grant - Background

Proviso Summary

- One-time funding, ends June 30, 2025
- Provide funding to provide guidance and input to:
 - Agencies' implementation of Healthy Environment for All Act work
 - Environmental Justice Council
 - Environmental Health Disparities map
- At least 50% to Tribes and Tribal Organizations
- Funding may be used to hire or contract staff

Healthy Environment for All Act - Overview

Environmental Justice Council

Community Forum

Guidance to Governor, Legislature, and Agencies

Agency Accountability

Washington Tracking Network

Tribal Consultation

Maintain and update Environmental Health Disparities Map

Healthy Environment for All Act Covered Agencies

Tribal Consultation

Community Engagement

Strategic Planning

Environmental Justice Assessments

Budgeting and Funding

Metrics and Reporting

Transformation of Agency Culture, Policy, and Practice



Healthy Environment for All Capacity Grants – Examples of How Funding Can be Used

Example Task	Example Deliverable
Participate on a first foods, climate health indicators, water focused technical workgroup to inform Environmental Health Disparities Map development.	Create/update Tribal Climate health indicators; may include review or updates to data sharing protocols. Documentation of technical workgroup meetings, such as meeting minutes or summary, shared or co-created with DOH program manager.
Attend Environmental Justice Council meetings or agency briefings.	Documentation of meetings, such as meeting minutes or summary, shared or co-created with state agency program manager.
Tribal Consultations related to the different obligations of the HEAL Act.	Attend Tribal consultation on the Dept. of Commerce's Energy grants.
Conduct environmental health and justice assessment.	Documentation of assessment, such as summary or key findings.

Funding Overview

**Healthy
Environment for All
Act Capacity Grants**



50%

- Tribes
- Tribal Organizations

Administration and prioritization processes being determined through Consultation

50%

- Overburdened communities*
- Vulnerable populations

Process TBD based on Consultation and community input

**Tribes included in this definition*

What We Heard – Listening Session and Roundtables

- Feedback we are incorporating:
 - Create clear, simple, and flexible grant processes that respect tribal sovereignty and incorporate learnings from DOH and other state agency contracting efforts with Tribes.
 - Allow self-determination in application and scopes of work, while also providing templates to support the uniqueness of each Tribe and reduce administrative burdens on Tribes.
 - Allow both reimbursement and prepayment-based funding options for Tribes.
 - Limit the collection of tribal data and protect data to the extent allowable by law.
 - Create ongoing, frequent, and meaningful opportunities for collaboration as programs are developed.

What We Heard – Listening Session and Roundtables

- Feedback we are incorporating specific to the Healthy Environment for All Act Capacity Grant program:
 - Allow both reimbursement and prepayment-based funding options for Tribes.
 - Allow reallocation of unspent funds.
 - Shorten initial application period for priority review and allow rolling submissions.

What We Heard – Consultation 1

- Funding priority should be the 29 Federally-Recognized Tribes
- Confusion regarding DOH's proposed inclusion of Tribes beyond the 29 Federally-Recognized Tribes
- Tribes should receive priority for funding, it should not be split in half with Tribal Organizations
- Tribes with Tribal Organizations should not receive double funding
- Need clarity on how to define and which Tribal Organizations to include
- Interest in holding Consultation 2 and the need for more engagement with Tribal leaders

Reframe of the Discussion

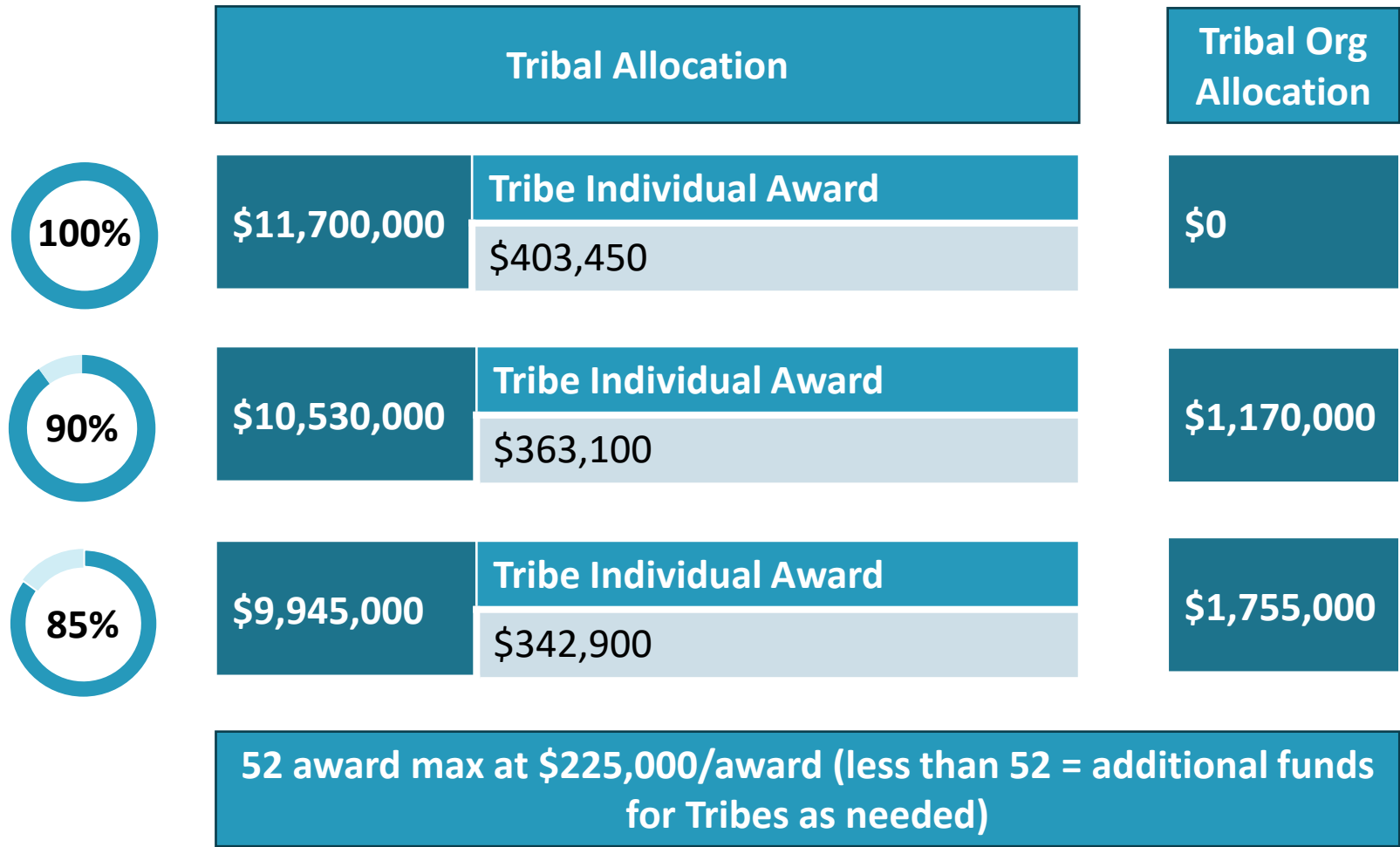
- Goal: Ability for each Tribe to hire 1 FTE or contractor through June 30, 2025
 - Assumed \$225,000 for 18 months
 - What is needed?
- Need: Prioritization of first round of funding
 - Do not expect all Tribes to request funds given new program, narrow scope, and one-time funds
 - Healthy Environment for All Act focus is the rights and interests of Federally Recognized Indian Tribes' on their Tribal Lands

Tribal Lands: "Indian country" as provided in 18 U.S.C. Sec. 1151, and also includes sacred sites, traditional cultural properties, burial grounds, and other Tribal sites protected by federal or state law

Prioritization Input – Funding Allocation

Funding Allocation - Ranking Priority 1-4 (1 st priority, 2 nd priority, 3 rd priority, 4 th priority)	1	2	3	4
\$11.7M distributed equally to each Tribe				
90% of \$11.7M distributed equally to each Tribe and 10% distributed equally to each Tribal Organization				
85% of \$11.7M distributed equally to each Tribe and 15% distributed equally to each Tribal Organization				
Base funding of \$225,000 (estimate of funding for 1FTE, 18mo) to each Tribe and Tribal Organization + additional requests based on need				

Prioritization with the Amounts



Prioritization Input – Tribal Organizations

Tribal Organization - Ranking Priority 1-3 (1 st priority, 2 nd priority, 3 rd priority)	1	2	3	4
No funding to Tribal Organizations (100% of \$11.7M for Tribes)				
Limit to Tribal Organizations based in and serving those in Washington agreed to through Consultation				
Limit to Tribal Organizations serving those in Washington agreed to through Consultation				
Tribal Organizations with interest in and intersection with Healthy Environment for All Act environmental justice activities serving populations in Washington				

DISCUSSION QUESTIONS

Any questions?

Any concerns?

**Any additional feedback to
guide DOH's proposed
plan?**

Decisions for Today

1. Prioritization of funding allocation for Healthy Environment for All Act – Capacity Grant
2. Close out this consultation
3. Proceed with Workplace Safety and Community Budgeting grant programs:
 - Listening sessions
 - Roundtable discussions
 - Consultation

Thank You!



Next Steps



- Provide any additional comments within 10 days.
- A Dear Tribal Leader letter will be sent out to close the consultation. It will include contact information for tribal government or program representatives who want to be part of ongoing collaboration.

Contact Information

Candice Wilson –Quatz'tenaut

(Lummi)

Tribal Policy Director

Tribal Public Health &
Relations

Washington State Department
of Health

candice.wilson@doh.wa.gov

360-819-7626

Laura Johnson

Office Director

Environmental Public Health
Sciences

Washington State Department of
Health

laura.johnson@doh.wa.gov

360-236-3325



To request this document in another format, call 1-800-525-0127. Deaf or hard of hearing customers, please call 711 (Washington Relay) or email civil.rights@doh.wa.gov.

Environmental Justice WA DOH Tribal Consultation II Capacity Grant (Copy)

Oct 27, 2023

Dear Tribal Leader Letter (DTLL) sent out on 10/10/23
<https://doh.wa.gov/sites/default/files/2023-10/DTLL-SecondEJGrantsConsultation.pdf?uid=653bd2bc5a0da>

Dear Tribal Leader Letter: Environmental Justice Capacity Grant - Consultation II

Dear Tribal Leader Letter (DTLL) sent out on 10/10/23

<https://doh.wa.gov/sites/default/files/2023-10/DTLL-SecondEJGrantsConsultation.pdf?uid=653bd2bc5a0da>

WA DOH Consultation & Collaboration Procedure

<https://doh.wa.gov/sites/default/files/legacy/Documents/1200//DOHConsultationCollaborationProcedure.pdf>

Consultation Party Response Form - Appendix B

Tribal response form by [date at least 10 days from receipt of this letter/consultation].

Name of Action or Policy: Environmental Justice Capacity Grant - Consultation II

- **Funding Allocation Prioritization**
- **Tribal Organization Prioritization**

We welcome written/email/letter correspondence, or this form response, **COMMENTS** will be open for 10 days after Consultation (working days - to **November 13th, 2023**).

1. First & Last Name

2. Tribal Representation*

(If other, please describe your role - **authorized representative*)

☐ Tribal Leader

☐ Tribal Delegate

☐ Tribal Representative

☐ Tribal Organization Representative

☐ Other

3. Funding Allocation Prioritization

(Ranking 1st, 2nd, 3rd, 4th Priority)

\$11.7M distributed equally to each Tribe

90% of \$11.7M distributed equally to each Tribe and 10% distributed equally to Tribal Organizations

85% of \$11.7M distributed equally to each Tribe and 15% distributed equally to Tribal Organizations

Base funding of \$225,000 (estimate of funding for 1FTE, 18mo) to Tribe and Tribal Organization + additional requests based on need

4. Funding Allocation Prioritization Comments

5. Tribal Organization Prioritization

(Ranking 1st, 2nd, 3rd Priority)

Tribal Organizations based **IN** *and serving* Washington

Tribal Organizations *serving* Washington

No funding to Tribal Organizations

6. Tribal Organization Prioritization Comments

7. Response to this request for consultation:

- ☐ Thank you for the information and initiation letter; however, we do not need to consult any further on this issue.
- ☐ We do not have a comment or concern at this time, although we request continued notification regarding this issue.
- ☐ We wish to consult on this issue at the time and location referenced in DTLL.
- ☐ We wish to consult on this issue at an alternate time and location referenced in the DTLL. Please contact us at the number listed below to schedule this time.

8. Signature of Individual completing form:

9. Date:

10. Your Email: *

11. Has there been a change to your authorized representative? If so, whom should we contact about this issue if you are interested in further discussing this issue or receiving additional information? Please provide, Name, Phone Number, and Email/Fax Number:

12. We honor and appreciate your time & consideration, especially your guidance for the important critical work for our Health Environmental for All (HEAL) Act - Capacity Grant Consultation II, thank you!

Once again, ***we welcome written/email/letter correspondence, or this form response. COMMENTS will be open for 10 days after Consultation (working days - to November 13th, 2023).***

Please use the QR Code or link below if you prefer to submit an electronic response to this form. This is an optional method for providing comments, and DOH will accept any form of written correspondence until the closure of the comment period on:

Monday, November 13, 2023 at 11:59pm PST.

If you have any questions, please contact Candice Wilson, Tribal Policy Director, at Candice.Wilson@doh.wa.gov or 360-819-7626.

Environmental Justice WA DOH
Tribal Consultation II Capacity
Grant



Link to form: <https://forms.office.com/g/Zs6tvPSFkJ>