



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON

July 1, 2022

Dear Washingtonians:

I am committed to furthering environmental justice for Washingtonians.

When the Legislature passed the Healthy Environment for All (HEAL) Act in April 2021, I directed the Attorney General's Office (AGO) to opt-in to implement the requirements of the HEAL Act. This is consistent with the environmental justice initiative I launched in April 2020 to commemorate the 50th Anniversary of Earth Day.

Some communities — particularly low-income, indigenous, and communities of color — are disproportionately harmed by issues like pollution and climate change. The HEAL Act requires agencies to adopt community engagement plans by July 1, 2022. This plan will provide the framework for engagement with communities potentially impacted by state government actions or decisions. Critically, the HEAL Act established the Environmental Justice (EJ) Council to represent community and work with state agencies to pursue environmental justice. The Act requires the EJ Council to develop guidance for agencies to consider in their community engagement frameworks and plans.

Today, I am releasing the attached draft community engagement plan to provide accountability and transparency to Washingtonians. The future implementation of this draft plan depends on coordination with the EJ Council and will incorporate forthcoming guidance from the EJ Council and communities across Washington State, as well as consultation with federally recognized Tribal governments.

My office's draft community engagement plan incorporates best practices for community engagement, and is tailored to the AGO's obligations as a law office. These obligations include a duty to protect attorney-client privilege and confidentiality, abide by the Rules of Professional Conduct and other ethics obligations mandated by the Washington State Supreme Court, and other statutory timelines that drive the AGO's work.

In the following months, state agencies implementing the HEAL Act and the EJ Council's Community Engagement Committee will work together to develop a process and timeline for the EJ Council to review the draft plans and conduct community listening sessions. My team will update our community engagement plan to incorporate the guidance developed by the EJ Council and feedback received from the community. We will also engage in government-to-government consultation with federally recognized tribes before the community engagement plan is implemented into agency activities.

I look forward to working with the EJ Council in the continued pursuit of environmental justice for all.

Sincerely,

BOB FERGUSON
Attorney General

WASHINGTON STATE OFFICE OF THE ATTORNEY GENERAL ENVIRONMENTAL JUSTICE COMMUNITY ENGAGEMENT PLAN



JULY 1, 2022

DRAFT PLAN – not yet reviewed by the Environmental Justice Council

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Executive Summary

In 2021, the Washington State Office of the Attorney General opted-in to the requirements of the Healthy Environment for All Act (HEAL Act), codified at RCW 70A.02. The HEAL Act seeks to address the impacts of environmental racism in Washington by reducing environmental and health disparities across the state and prioritizing overburdened communities and vulnerable populations through incorporating environmental justice (EJ) principles into state agency actions. This work requires acknowledging systemic and institutional inequity. Communities that have been historically oppressed and harmed by environmental and systemic racism must be directly involved in the work to make our systems and institutions more equitable.

This Community Engagement Plan provides guidance to Attorney General’s Office (AGO) staff on how the agency will conduct community engagement and outreach for significant agency actions, as defined by the HEAL Act. This guidance is intended for AGO employees whose work is designated as a significant agency action by the HEAL Act and/or the Attorney General.

The HEAL Act was enacted in 2021. It is the first state law to define EJ and develop a coordinated approach to integrating EJ into state agency actions. The AGO voluntarily opted-in to implementing the HEAL Act upon its passage. Under the HEAL Act, significant agency actions are:

1. The development and adoption of significant legislative rules (as defined in RCW 34.05.328);
2. The development and adoption of any new grant or loan program that an agency is explicitly authorized or required by statute to carry out;
3. A capital project, grant, or loan award by a covered agency of at least \$12,000,000 or a transportation project, grant, or loan by an agency of at least \$15,000,000;
4. The submission of agency request legislation to the Office of the Governor or the Office of Financial Management for approval; and
5. Any other agency actions deemed significant by the agency, consistent with RCW 70A.02.060(2).

The AGO serves the people and the state of Washington. As the state’s largest law firm, the AGO is required to comply with state law and the Rules of Professional Conduct (RPC) to protect attorney-client privilege and confidentiality. **Nothing in this guidance is intended to contradict or overrule professional and ethical obligations of AGO employees.** If you are concerned about a potential conflict, please discuss with the Attorney General’s EJ staff and/or your division chief.

About the Washington State Office of the Attorney General

Washington’s Attorney General serves the people and the state of Washington. As the state’s largest law firm, the AGO provides legal representation to every state agency, board, and commission in Washington. With few exceptions, the Attorney General is the exclusive source of legal counsel and representation for state officers and agencies. Additionally, the AGO serves the people directly by enforcing consumer protection, civil rights, and environmental protection laws. The AGO also prosecutes elder abuse, and Medicaid fraud, and handles sexually violent predator cases in 38 of Washington’s 39 counties.

Mission, Vision, and Values

The Office of the Attorney General will provide excellent, independent, and ethical legal services to the state of Washington and protect the rights of its people. The Office of the Attorney General will be the best public law office in the United States. All staff in the Office of the Attorney General are guided by the following core values:

1. We will deliver high quality legal services and remember that we serve the people of the State of Washington.
2. We will conduct ourselves with integrity, professionalism, civility, and transparency.
3. We will promote a collegial, diverse, inclusive, and anti-racist workplace that values, respects, and supports all of our employees.
4. We will foster a culture of belonging that upholds the dignity of every employee in the agency.

Duty to Attorney-Client Privilege and Client Representation

The AGO has a different role than other state agencies. The AGO provides legal representation to every state agency, board, and commission in Washington, which includes providing legal advice, appearing on behalf of the client in litigation, or pursuing litigation at the direction of the client, on the client's behalf and/or under the client's authority.

Client agencies make their own decisions with respect to actions and policy, and do not always consult their legal counsel on every agency decision.

In addition, the AGO enforces state laws to protect Washingtonians from unfair, deceptive, and discriminatory acts. In this work, the AGO acts as the attorney for Washingtonians collectively, to protect the public interest.

All employees of the AGO must follow the RPCs, decisions set by the courts, state statutes, and ethics rules.

Commitment to Anti-Racism

The Office of the Attorney General is committed to recognizing, addressing, and eradicating all forms of racism within the scope of its work and operations. Conversations about race require courage, respect, and compassion. We recognize that when we enter into these conversations, we may not always be comfortable and may need to lean into the discomfort. As an agency that strives to be anti-racist, it is our goal to identify, discuss, and challenge racial inequity in the workplace and the impact it has on our employees, and, within our authority, combat racism that impacts the people of the State of Washington.

This document uses the term BIPOC, or Black, Indigenous, and people of color, to discuss race. There is a lot of history in the language around race, and BIPOC is the current evolution of this language. The AGO follows community choice in how community wants to express themselves, and recognizes that some terms may seem limited. The term BIPOC recognizes that Black, Indigenous, and people of color have been impacted in different and unique ways by racism. Where we discuss specific communities in this document, we will use the specific terminology.

About the Healthy Environment for All (“HEAL”) Act

The Healthy Environment for All Act, commonly referred to as the HEAL Act, was passed and enacted in 2021. It is codified at RCW 70A.02.¹ The HEAL Act seeks to address the impacts of environmental racism in Washington by reducing environmental and health disparities across the state and prioritizing overburdened communities and vulnerable populations through incorporating EJ principles into state agency actions.

The HEAL Act is based on the recommendations in the Environmental Justice Task Force’s (EJTF) October 2020 Report. The EJTF was convened under the direction of a proviso in the 2019-2021 biennial operating budget by the Governor’s Interagency Council on Health Disparities. The EJTF met over a 16-month period to recommend strategies for state agencies to incorporate EJ in their actions.²

The HEAL Act mandates seven state agencies to apply specific EJ requirements to agency actions. These “covered” agencies are: the departments of Agriculture, Commerce, Ecology, Health, Natural Resources, and Transportation, and the Puget Sound Partnership. The HEAL Act invites other state agencies to opt-in and implement the HEAL Act at any time. The Attorney General’s Office voluntarily opted-in to implementing the HEAL Act in 2021.

The HEAL Act requires agencies to:

1. Develop a Community Engagement Plan that facilitates meaningful engagement and direct involvement of vulnerable populations and overburdened communities by July 1, 2022;
2. Provide annual reports to the EJ Council beginning September 1, 2022;
3. Incorporate an EJ implementation plan into agency strategic plans by January 1, 2023;
4. Publish a list of significant agency actions requiring EJ assessments on agency website and notify the Washington State Register by July 1, 2023, and periodically thereafter;
5. Conduct EJ assessments for significant agency actions and provide opportunity for public comment on the assessment’s determinations beginning July 1, 2023;
6. Incorporate EJ principles into decision processes for budgeting, funding, and expenditures beginning July 1, 2023;
7. Publish an annual dashboard report on the Office of Financial Management’s website of agency implementation of items 3-6 beginning September 1, 2024;
8. Define additional significant agency actions by July 1, 2025; and
9. Develop a tribal consultation framework in coordination with tribal governments (no due date).

The HEAL Act establishes the Environmental Justice Council (EJ Council) to advise covered and opt-in agencies on incorporating EJ into agency activities. The EJ Council consists of 16 members³ appointed by the governor:

¹ Healthy Environment for All Act, WASH. REV. CODE § 70A.02 (2022).

² *Environmental Justice Task Force*, HEALTH EQUITY, <https://healthequity.wa.gov/councils-work/environmental-justice-task-force> (last visited March 28, 2022).

³ The HEAL Act establishes 14 seats on the EJ Council at [RCW 70A.02.110\(2\)](#). The Climate Commitment Act, codified at RCW 70A.65, adds two additional tribal seats to the EJ Council at [RCW 70A.65.040\(3\)](#), bringing the total number of seats on the EJ Council to 16.

seven (7) community representatives, including one youth representative; four (4) tribal nations representatives; two (2) representatives who are environmental justice practitioners or academics; one (1) representative from a business that is regulated by a mandated agency; one (1) representative from a union representing workers in building and construction; and one (1) representative at large. The EJ Council is staffed by the Department of Health. To learn more about the EJ Council, please visit <https://waportal.org/partners/environmental-justice-council/home>.

The HEAL Act requires the Department of Health, in consultation with the EJ Council, to continually develop and maintain the [Environmental Health Disparities Map](#) (EHD map) with the most current information available.⁴ The EHD map was developed in collaboration between the University of Washington’s Department of Environmental and Occupational Health Sciences, Front and Centered, Washington State Department of Health, Washington State Department of Ecology, and the Puget Sound Clean Air Agency.⁵ The map is an interactive tool illustrating environmental health disparities within communities across Washington State.⁶

The data on the map are split into 19 indicators across four themes:

1. Environmental Exposures: nitrogen oxide (NO_x⁷)-diesel emissions; ozone concentration; particulate matter (PM_{2.5}⁸) concentration; populations near heavy traffic roadways; toxic release from facilities (RSEI model⁹);
2. Environmental Effects: lead risk from housing; proximity to hazardous waste treatment, storage, and disposal facilities (TSDFs); proximity to National Priorities List sites (Superfund Sites); proximity to Risk Management Plan (RMP) facilities; wastewater discharge;
3. Socioeconomic Factors: limited English; no high school diploma; poverty; race - people of color; transportation expense; unaffordable housing; unemployed; and
4. Sensitive Populations: death from cardiovascular disease; low birth weight.¹⁰

The HEAL Act is Washington’s first law that defines EJ, and is the result of decades of hard work by community and BIPOC activists, organizers, and groups across the state.

⁴ *Washington Tracking Network: A Source for Environmental Public Health Data*, WASHINGTON STATE DEPARTMENT OF HEALTH, <https://fortress.wa.gov/doh/wtn/WTNIBL/> (last visited March 28, 2022).

⁵ *Washington Environmental Health Disparities Map*, WASHINGTON STATE DEPARTMENT OF HEALTH, <https://doh.wa.gov/data-statistical-reports/washington-tracking-network-wtn/washington-environmental-health-disparities-map> (last visited March 28, 2022).

⁶ *Id.*

⁷ Nitrogen oxide, referred to as NO_x, is poisonous pollution released by transportation vehicles and vessels, construction equipment, and other industrial sources. For more information, visit <https://www3.epa.gov/region1/airquality/nox.html>.

⁸ Particulate matter refers to the mixture of solid particles and liquid droplets found in the air, either emitted directly from a source or a result of chemical reactions, and can be inhaled. Particulate matter 2.5, referred to as PM_{2.5}, are particles with a diameter of 2.5 micrometers or smaller. For more information, visit <https://www.epa.gov/pm-pollution/particulate-matter-pm-basics>.

⁹ Risk-Screening Environmental Indicators (RSEI) is an EPA model to that allows for the exploration of data regarding the release of toxic substances from industrial and federal facilities. For more information, visit <https://www.epa.gov/rsei>.

¹⁰ *Washington Environmental Health Disparities Map*, *supra* note 5.

Environmental Justice

Environmental justice was born during the Civil Rights Movement of the 1960s when Black, Indigenous, and people of color (BIPOC) mobilized to address the inequities of environmental protection in their communities.¹¹ The EJ Movement gained national attention in September 1982 when the Black community in Warren County, North Carolina staged a sit-in to protest the placement of a PCB landfill near their homes.¹² In 1991, the landmark 17 Principles of Environmental Justice was adopted at the First National People of Color Environmental Leadership Summit in Washington, D.C.¹³ On February 11, 1994, President Clinton made EJ a national priority by signing Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.¹⁴ Federal commitment to EJ was reaffirmed on January 27, 2021 when President Biden signed Executive Order Executive Order 14008: Tackling the Climate Crisis at Home and Abroad, which prioritizes EJ in domestic policy.¹⁵

Defining Environmental Justice

Dr. Robert Bullard, the Father of Environmental Justice, explained: “[...] environmental justice embraces the principle that all people in communities are entitled to equal protection of our environmental laws; housing, transportation, energy, food, and water security and health laws. Environmental justice is nothing more than this whole principle: people have the right to a clean, healthy, sustainable environment without regard to race, color, national origin. It’s just that simple.”¹⁶

The HEAL Act defines EJ as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, rules, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities, the equitable distribution of resources and benefits, and eliminating harm.”¹⁷

Commitment to Environmental Justice and Environmental Justice Principles

The AGO is committed to EJ and enacting the requirements of the HEAL Act, including EJ principles. While the EJ Council and Interagency Work Group collaborate on principles that state agencies can integrate into agency activities, the AGO is, in the meantime, guided by the 17 Principles of Environmental Justice, adopted in 1991 at

¹¹ *Environmental Justice Timeline*, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, <https://www.epa.gov/environmentaljustice/environmental-justice-timeline> (last visited March 28, 2022).

¹² *Environmental Justice History*, UNITED STATES DEPARTMENT OF ENERGY, <https://www.energy.gov/lm/services/environmental-justice/environmental-justice-history> (last visited March 28, 2022).

¹³ *Environmental Justice Timeline*, *supra* note 11.

¹⁴ *Id.*

¹⁵ Exec. Order No. 14008, 86 Fed. Reg. 7619 (Jan. 27, 2021).

¹⁶ Jamil Smith, *The Father of Environmental Justice, On Whether We're All Doomed*, Vox (December 10, 2021), <https://www.vox.com/2021/12/10/22826247/robert-bullard-environmental-justice-vox-conversations-interview>.

¹⁷ WASH. REV. CODE § 70A.02.010(8) (2022).

the First National People of Color Environmental Leadership Summit.¹⁸ These principles have shaped the EJ Movement, and continue to be pillars for EJ. The AGO will integrate additional principles that the EJ Council and Interagency Work Group adopt in the future.

Community Engagement

Environmental justice inherently requires community engagement. The AGO’s Environmental Justice Community Engagement Plan outlines how the AGO will meaningfully involve and engage communities, including overburdened communities and vulnerable populations, when evaluating existing and pursuing new programs and activities that are deemed significant agency actions. This plan details how the AGO will facilitate equitable participation and support involvement of our local community, and includes specific elements as required by the HEAL Act.

AGO staff seeking to engage community on significant agency actions will work closely with AGO EJ staff in all steps of the engagement process. AGO EJ staff will serve as a partner in planning and conducting community engagement, providing insight and guidance on thoughtful, meaningful, and equitable engagement.

Elements of a Community Engagement Plan

The HEAL Act seeks to address imbalances in political power, representation, and influence that have led to environmental harms and health disparities being disproportionately placed on overburdened communities and vulnerable populations. To do so, state agencies must transform the way that they engage with communities. The HEAL Act requires agencies to create and adopt a community engagement plan that describes how they will “facilitate equitable participation and support meaningful and direct involvement of vulnerable populations and overburdened communities.”¹⁹ The HEAL Act requires specific elements to be present in an agency’s community engagement plan:

- How to identify and prioritize overburdened communities;
- Best practices for outreach and communication to overcome barriers to engagement with overburdened communities and vulnerable populations;
- 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 the agency expects to be impacted by significant agency actions as well as processes to overcome participation barriers;
- Processes that facilitate and support the inclusion of members of communities affected by agency decision making including, to the extent legal and practicable, but not limited to, childcare and reimbursement for travel and other expenses; and
- Methods for outreach and communication with those who face barriers, language or otherwise, to participation.

¹⁸ See Appendix A.

¹⁹ WASH. REV. CODE § 70A.02.050(1) (2022).

Significant Agency Actions

The HEAL Act identifies four agency actions as significant agency actions:

1. The development and adoption of significant legislative rules (as defined in RCW 34.05.328);
2. The development and adoption of any new grant or loan program that an agency is explicitly authorized or required by statute to carry out;
3. A capital project, grant, or loan award by a covered agency of at least \$12,000,000 or a transportation project, grant, or loan by an agency of at least \$15,000,000; and
4. The submission of agency request legislation to the Office of the Governor or the Office of Financial Management for approval.²⁰

The legislation also requires agencies to designate additional agency-specific actions as significant if those actions may cause environmental harm or affect the equitable distribution of environmental benefits to an overburdened community or vulnerable population.²¹

The AGO enforces laws on behalf of the people of Washington, and also serves as legal counsel to state agencies, boards, and commissions. In our capacity as legal counsel, AGO employees are prohibited by state statute and the Rules of Professional Conduct from discussing information that falls under attorney-client privilege, including any advice given to clients. This means that as our agency defines additional significant agency actions under the HEAL Act, we will ensure that those actions, and any resulting requirements, comply with state statutes and the Rules of Professional Conduct protecting attorney-client privilege.

What is Community Engagement?

Community engagement is “the process of working collaboratively with and through groups of people affiliated by geographic proximity, special interest, or similar situations to address issues affecting the wellbeing of those people.”²² Community engagement can take a variety of forms, as there is no “one size fits all” approach to engagement.²³ Community engagement also occurs at different levels, as shown by the Spectrum of Community Engagement to Ownership, developed by Rosa Gonzalez for Facilitating Power.²⁴

For the agency activities deemed significant by the HEAL Act and the AGO under the authority of the HEAL Act,²⁵ the AGO will reference Rosa Gonzalez’s Spectrum of Community Engagement to Ownership²⁶ as a guide to

²⁰ WASH. REV. CODE § 70A.020.010(12) (2022).

²¹ WASH. REV. CODE § 70A.02.060(2)(a) (2022).

²² CTSA COMMUNITY ENGAGEMENT KEY FUNCTION COMMITTEE TASK FORCE, PRINCIPLES OF COMMUNITY ENGAGEMENT 7, Pub. No. 11-7782 (NIH, 2nd ed. 2011), https://www.atsdr.cdc.gov/communityengagement/pdf/PCE_Report_508_FINAL.pdf.

²³ *Id.*

²⁴ ROSA GONZALEZ, SPECTRUM OF COMMUNITY ENGAGEMENT TO OWNERSHIP 2, (Facilitating Power 2020), https://d3n8a8pro7vhmx.cloudfront.net/facilitatingpower/pages/53/attachments/original/1596746165/CE20_SPECTRUM_2020.pdf?1596746165.

²⁵ Due to the unique nature of the AGO’s work, agency activities designated as significant agency actions may vary from those of other agencies. During the process to define significant agency actions, we will be mindful of the professional obligations of AGO employees, including the RPCs.

²⁶ See Appendix B for the Spectrum of Community Engagement to Ownership, developed by Rosa Gonzalez.

determine the level of engagement that is necessary, appropriate, and consistent with the Rules of Professional Conduct and other legal obligations.²⁷ At every level of engagement, the AGO will work to ensure that engagement is meaningful. We will work to facilitate equitable community participation, eliminate barriers, and support inclusionary processes to the extent appropriate and possible when we conduct community engagement.

Compliance with Federal and State Laws

Washington state agencies, including the AGO, are bound by both federal and state laws and regulations in conducting community engagement and participation.

Federal	State
<ul style="list-style-type: none">• Title VI of the Civil Rights Act: prohibits discrimination based on race, color, and national origin.• Title II of the Americans with Disabilities Act: requires agencies to provide meaningful access to people with disabilities.• Executive Order 13166: requires recipients of federal funding to ensure people with limited English proficiency have meaningful access to services and programs.• Executive Order 13175: recognizes Tribal sovereignty and requires consultation and coordination with Tribal Governments.	<ul style="list-style-type: none">• RCW 74.04.025: state agencies must provide interpreter and translation services for people with limited English proficiency and non-English-speaking persons with interpreter and translation services.• Executive Order 05-03: requires all state agencies to use simple and clear language when communicating with Washingtonians and businesses.• Executive Order 96-04: requires all state agencies to accommodate and protect the rights of individuals with disabilities.

Acknowledgements of Past Practices

The governing structures of the United States were designed to elevate the rights and access to resources for some people at the expense of the rights and access of others. These weighted structures led to the systemic inequity that EJ responds to. The guidance in this plan is grounded in the position that systems cannot change without the direct involvement of the communities who bear the weight of systemic disparities. We recognize the critical value of repairing relationships and building trust with communities who have.

Repairing relationships and building trust between government and those members of the public harmed by environmental injustice is central to this plan. This focus on building trust places skills like cultural humility and emotionally intelligent communication at the forefront, and moves the government-community relationship towards the “involve/collaborate/defer to” levels of engagement. Moving forward, the foundation of meaningful community engagement must be an evaluation of who is negatively impacted and who is benefitted by significant agency actions meant to benefit the public as a whole.

²⁷ The AGO recognizes that some actions we are required to undertake have limitations and constraints that may not allow for community engagement. In those instances, nothing in this plan relieves us of fulfilling legal obligations.

Community Engagement Best Practices and Principles

Community involvement drives responsive solutions to community concerns. Outreach, conversations, and feedback allow the AGO to consider potential impacts and improve our work. We engage and work with a variety of stakeholders: tribal entities and governments, non-governmental organizations, community groups and coalitions, individuals, and governmental agencies of all levels.

The AGO recognizes that there is no “one size fits all” approach to community engagement. Instead, we engage the community in a variety of ways: attending community meetings in the capacity which we are invited to participate in, holding taskforce and/or advisory committee meetings, providing community education, inviting public comments and participation, organizing on specific issues, legislative reform, public advocacy, providing language and technological access, and more.

As we engage with community, the AGO will adhere to best practices and principles for community engagement. These best practices and principles draw upon recommendations from the Environmental Justice Task Force October 2020 Report, the Department of Health’s Community Engagement Guide, the HEAL Act Interagency Workgroup Community Engagement Framework Guide, and the Government Alliance on Race and Equity (GARE) Racial Equity Toolkit. When engaging with communities, including overburdened communities and vulnerable populations, on a significant agency action, the AGO will:

1. Recognize our institutional power;
2. Learn about the community;
3. Consult with community leaders, organizations, and partners;
4. Meet the community where they are;
5. Eliminate barriers to participation and communication; and
6. Listen to the community.

Recognize our institutional power	As a government institution, the AGO stands in a position of power compared to the public. Past governmental practices and institutional racism have caused harm to communities. Our agency is committed to anti-racist practices, including utilizing racial equity tools. Regular check-ins with AGO EJ staff will include working on recognizing the power of our agency, such as thinking about questions like: <ol style="list-style-type: none"> 1. What are the racial equity impacts of this particular significant agency action? 2. Who will benefit from or be burdened by this particular significant agency action? 3. Are there strategies to mitigate unintended consequences stemming from this significant agency action?²⁸
Learn about the community	Before engaging in community outreach, the AGO will take the time to learn about the communities with whom we seek to engage. Staff should familiarize

²⁸ LOCAL AND REGIONAL GOVERNMENT ALLIANCE ON RACE & EQUITY, RACIAL EQUITY TOOLKIT 12 (Government Alliance on Race and Equity 2016), https://racialequityalliance.org/wp-content/uploads/2015/10/GARE-Racial_Equity_Toolkit.pdf.

	themselves with the community, including community leaders, cultural norms, effective communication methods, and history with activism and governmental agencies and institutions. AGO EJ staff will assist staff in doing research about communities.
Consult with community leaders, organizations, and partners	Before engaging directly with community, AGO staff should consult with community leaders, organizations, and partners. These entities have a wealth of knowledge in conducting community engagement around specific issues, and have built trust with the community. AGO EJ staff will assist staff in identifying existing relationships between the AGO and community leaders, organizations, and partners. AGO staff should have a draft engagement plan ready when consulting with community leaders, organizations, and partners, and should expect the engagement plan to change after consultation.
Meet the community where they are	AGO staff should prioritize the community by meeting them where they are as often as possible. Staff should work with their managers to be flexible in how, when, and where engagement is conducted. Staff should be prepared for meetings to take place within the community and outside of standard working hours/days. Staff need to be transparent with the community about why they are engaging, how community comments and feedback will be used, and what follow up to expect. Staff should allow community members to self-identify, avoid tokenism, and recognize the community’s strengths and assets.
Eliminate barriers to participation and communication	A variety of barriers to participation and communication exist for communities and individuals. Identify barriers and work to dismantle them. Staff should think about barriers such as language, the digital divide, accessibility (due to disabilities or otherwise), child care, transportation, transparency, meeting time/place/length, and more.
Listen to the community	Community feedback and engagement is ineffective if we are not listening to the community. Meetings and engagement should be structured so that community voice is centered. Staff should prioritize unheard voices and perspectives, and actively listen to what the community is saying: barriers in their way, issues they are facing, resources they desire, changes they would like to see, etc. Staff should take the information they learn from the community and make changes based on community feedback, using that feedback to inform the next engagement session’s structure.

Identifying Overburdened Communities and Vulnerable Populations

When engaging in community outreach, the AGO will identify and prioritize engagement with overburdened communities and vulnerable populations that could be affected by agency-led programs and activities. By definition within the HEAL Act, overburdened communities²⁹ are communities of vulnerable populations in a particular geographical area that face combined and multiple environmental harms and health impacts. Overburdened communities includes highly impacted communities as designated by the Department of Health

²⁹ WASH. REV. CODE § 70A.02.010(11) (2022).

pursuant to RCW 19.405.020. The Department of Health designates any census tract with a 9 or 10 overall rank on the EHD map or any census tract with tribal lands as a highly impacted community.³⁰

The HEAL Act defines vulnerable populations as groups with a higher risk for poor health outcomes as a result of environmental harms due to adverse socioeconomic factors and sensitivity factors.³¹ Adverse socioeconomic factors include unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, and linguistic isolation, along with other factors that can negatively affect health outcomes and increase vulnerability to the effects of environmental harms, while sensitivity factors include low birth weight and higher rates of hospitalization.³² The HEAL Act specifies that vulnerable populations include, but are not limited to, racial or ethnic minorities, low-income populations, populations disproportionately impacted by environmental harms, and populations of workers experiencing environmental harms.³³

To identify overburdened communities and vulnerable populations, the AGO will follow a two-step process, in consultation with AGO EJ staff. First, the AGO will identify where the new program or activity will take place. Staff should consider whether the location is state-wide or smaller-scaled, whether the location spans multiple neighborhoods, cities, counties, and/or regions, and whether the location overlaps with tribal land and/or populations, including urban Indigenous populations and tribal populations that are not federally recognized. Second, AGO staff will utilize screening tools to identify who the overburdened communities and vulnerable populations are within the location of the program or activity that the agency is undertaking. Staff will utilize initial screening tools to identify overburdened communities and vulnerable populations.

Use of Screening Tools

The AGO will use a variety of credible screening tools that provide environmental, demographic, and health data to identify overburdened communities and vulnerable populations. These tools will be used to evaluate and understand the nature and needs of communities impacted by agency programs and activities before, during, and after community outreach. These tools will also assist the agency in gathering supplemental information to fill in and bolster information provided by the community.

- Washington Environmental Health Disparities Map: The EHD Map is an interactive mapping tool that was developed collaboratively by the Washington State Department of Health, University of Washington's Department of Environmental and Occupational Health Sciences, Front and Centered, Washington State Department of Ecology, and Puget Sound Clean Air Agency. The EHD Map allows users to understand a

³⁰ *Clean Energy Transformation Act – Cumulative Impact Analysis*, WASHINGTON STATE DEPARTMENT OF HEALTH, <https://www.doh.wa.gov/DataandStatisticalReports/WashingtonTrackingNetworkWTN/ClimateProjections/CleanEnergyTransformationAct> (last visited March 28, 2022).

³¹ WASH. REV. CODE § 70A.02.010(14)(a) (2022).

³² *Id.*

³³ WASH. REV. CODE § 70A.02.010(14)(b) (2022).

variety of environmental exposures and health effects that are present in specific locations, as well as demographic and socioeconomic information in those locations.³⁴

- United States Census Bureau:³⁵ The Census Bureau collects the nation’s demographic and economic data as mandated by Titles 13 and 26 of the United State Code. The data collected by the Bureau provides information by nation, state, county, city, and census tract on population, age and sex, race and Hispanic origin, population characteristics, housing, families and living arrangements, computer and internet use, educational level, basic health, economy, transportation, income and poverty, business, and geography.
- Washington State Office of Financial Management (OFM) data and research:³⁶ OFM conducts and collects a wide variety of research and data related to demographics of Washingtonians, state budget, and public policy issues. Data is available on crime and criminal justice, economy and labor force, education, fiscal research, health care, human services, population and demographics, and other topics in research briefs. This state-specific data provides additional information about demographics, especially health care, when thinking about the populations affected by agency programs, projects, and activities. OFM’s Washington State Data Book sorts data into maps by county, including languages spoken at home and one-parent and two-parent families.³⁷
- Washington Military Department Limited English Proficiency map:³⁸ The Emergency Management Division tracks the different languages spoken across Washington by county, sub-county, and census level tracts, providing color-coding to easily identify the number of languages spoken in a particular location.
- EJScreen:³⁹ Developed by the Environmental Protection Agency (EPA), this mapping tool is similar to the EHD map, allowing users to select different environmental, health, socioeconomic, and critical service gaps indicators, as well as EJ indexes. EJ indexes combine the selected environmental indicator with the traffic indicator, low-income population, and minority population, to quickly identify block groups that have the most disparity for that environmental factor.

³⁴ For a video tutorial on how to use the map and its various indicators and overlays, visit <https://www.doh.wa.gov/DataandStatisticalReports/WashingtonTrackingNetworkWTN/InformationbyLocation>.

³⁵ *Explore Data*, UNITED STATES CENSUS BUREAU, <https://www.census.gov/data.html> (last visited March 28, 2022).

³⁶ *Washington Data & Research*, WASHINGTON STATE OFFICE OF FINANCIAL MANAGEMENT, <https://ofm.wa.gov/washington-data-research> (last visited March 28, 2022).

³⁷ *Washington State Data Book*, WASHINGTON STATE OFFICE OF FINANCIAL MANAGEMENT, <https://ofm.wa.gov/washington-data-research/statewide-data/washington-state-data-book> (last visited March 28, 2022).

³⁸ *Limited English Proficiency Application*, WASHINGTON MILITARY DEPARTMENT, <https://waseocgis.maps.arcgis.com/apps/webappviewer/index.html?id=ffd638d41f7045fe97a27d1e2ccbe0af> (last visited April 26, 2022).

³⁹ *EPA’s Environmental Justice Screening and Mapping Tool (Version 2.0)*, ENVIRONMENTAL PROTECTION AGENCY, <https://ejscreen.epa.gov/mapper/> (last visited April 26, 2022).

Community-Centered Engagement

To foster community-centered engagement, the AGO will adhere to methods of communication that overcome barriers, such as language and the digital divide, as well as processes that facilitate and support the inclusion of community members affected by agency decision-making. The AGO will continuously update these methods and processes to respond to ongoing feedback from community organizations, groups, coalitions, and individuals.

The AGO recognizes its presence as a government institution that invades space before being invited. To combat this legacy, shift culture, and build trust with the community, the AGO will take steps to ensure meetings are conducted in ways that are comfortable, accessible, and equitable for community members. AGO staff will be aware of power dynamics and provide space for communities to raise concerns and share experiences, and will not be defensive when community members express frustration or anger.

Language and Translation Access

The AGO is committed to providing meaningful language access to constituents utilizing our programs as mandated by federal and state law. A large number of languages are spoken across Washington, and language access is critical to ensure equitable community outreach and participation. When planning community engagement, the AGO will use the following communication methods as applicable to each engagement session:

- Interpreters to communicate in multiple languages in real time, including American Sign Language (ASL);
- Closed captioning and interpretation, including ASL, in virtually-held meetings;
- Communication in plain language;
- Inclusion of both text and graphics in meeting and informational materials; and
- Translation of documents, including flyers, brochures, infographics, and other materials, upon request.

Conducting Meetings

The AGO is committed to conducting meetings with community in ways that are mindful, accessible, and equitable. We recognize that government institutions and property have caused trauma, can be triggering, and create apprehension for communities and individuals, making it less likely for public participation to occur. The AGO will go to the community instead of having the community come to us. We will also work with community to schedule meetings, ensuring that the place, time, and duration works for the community. When conducting meetings, the AGO will:

- Meet where the community feels most comfortable;
- Be transparent about why we are coming to the community for comments and feedback;
- Schedule meetings at times that allow community members to participate, whether that is during the work day, after work, or on the weekend;
- Identify opportunities for follow-up and additional conversations and follow through in a timely manner; and
- Look for ways to further engage with the community, such as seeing if community is comfortable with allowing AGO staff to attend events and groups and what capacity they would like us to participate in (listening only versus verbal participation).

Overcoming Barriers

Communities and individuals face various barriers to participation in government activities. AGO staff should be mindful of these barriers and actively work to dismantle them in planning community engagement. To eliminate barriers such as language, the digital divide, child care, transportation, transparency, meeting time/place/length, and more, the AGO will:

- Utilize language access resources such as interpreters, translation of documents, and communicating in plain language;
- Send invitations for participation both digitally and physically;
- Provide notice for participation as early as possible with clear details of time, location, and duration;
- Identify and implement ways to compensate community members for their time and contributions, as permitted by state law, such as providing food, child care, transportation, reimbursement for parking, or monetary payment;
- Utilize technology that is free for community members to access, such as Zoom, Teams, and Skype, when holding virtual meetings;
- Provide a live-stream with virtual participation during in-person meetings;
- Utilize facilities for in-person meetings that are ADA compliant, spacious, include bathrooms and separate spaces for parents/guardians to tend to their children, have ample free parking, and are near public transit stops; and
- Continually assess barriers preventing authentic engagement and be responsive to addressing barriers identified by community members.

This is not an exhaustive list of ways to overcome barriers to engagement that communities face. The AGO will continue to add to this list as we learn from our community members additional barriers that they face.

Soliciting and Using Community Feedback

The AGO recognizes that there are multiple ways to solicit feedback. We are committed to ensuring that multiple avenues to provide feedback or voice concerns exist for community members. The AGO will:

- Be transparent with community about how their feedback and input will be used in our agency decision-making processes;
- Intentionally set aside time during meetings for Q&A and opportunities to provide feedback;
- Utilize multiple means of soliciting community feedback, such as in-person feedback and feedback given in an online format with opportunities for individuals to stay anonymous if they so wish;
- Actively listen to community feedback and incorporate feedback into agency decision processes;
- Keep lines of communication open between the AGO and community by providing contact information and meeting with community upon their request, not just upon agency request; and
- Have follow-ups with community members to keep them informed, and involved, and to keep the AGO accountable to our commitment of community involvement.

Tribal Engagement

The AGO is committed to engaging with tribal governments, tribes, urban indigenous people, and members of tribes that are not federally recognized when implementing significant agency actions. We recognize and respect the specific processes for tribal engagement. The AGO will work with our agency's tribal liaison to conduct tribal engagement. For government-to-government engagement, the AGO will adhere to our agency's Tribal Consent and Consultation Policy.⁴⁰ Upon its completion, our agency will use a tribal engagement plan for tribal engagement that exists outside of the government-to-government process.⁴¹

Next Steps

The AGO Environmental Justice Community Engagement Plan lays a foundation to guide the agency in conducting outreach and engagement with overburdened communities and vulnerable populations for projects that are considered significant agency actions. This plan aims to increase equity and breakdown barriers to participation. The AGO will periodically update this plan to incorporate feedback from the EJ Council, the community, and lessons learned in conducting outreach. For additional information on the AGO's EJ efforts, please contact environmentaljustice1@atg.wa.gov.

The following appendices are resources and materials referenced throughout this plan. For additional resources on EJ and the HEAL Act, please visit our EJ webpage at <https://www.atg.wa.gov/environmental-justice-initiative>.

⁴⁰ See Appendix C.

⁴¹ A tribal engagement plan for engagement that falls outside of the government-to-government process is being created by a working group of tribal liaisons and directors from agencies implementing the HEAL Act. The AGO will update its community engagement plan accordingly once the tribal engagement plan is completed.

APPENDICES

Appendix A – The 17 Principles of Environmental Justice

WE, THE PEOPLE OF COLOR, gathered together at this multinational People of Color Environmental Leadership Summit, to begin to build a national and international movement of all peoples of color to fight the destruction and taking of our lands and communities, do hereby re-establish our spiritual interdependence to the sacredness of our Mother Earth; to respect and celebrate each of our cultures, languages and beliefs about the natural world and our roles in healing ourselves; to ensure environmental justice; to promote economic alternatives which would contribute to the development of environmentally safe livelihoods; and, to secure our political, economic and cultural liberation that has been denied for over 500 years of colonization and oppression, resulting in the poisoning of our communities and land and the genocide of our peoples, do affirm and adopt these Principles of Environmental Justice:

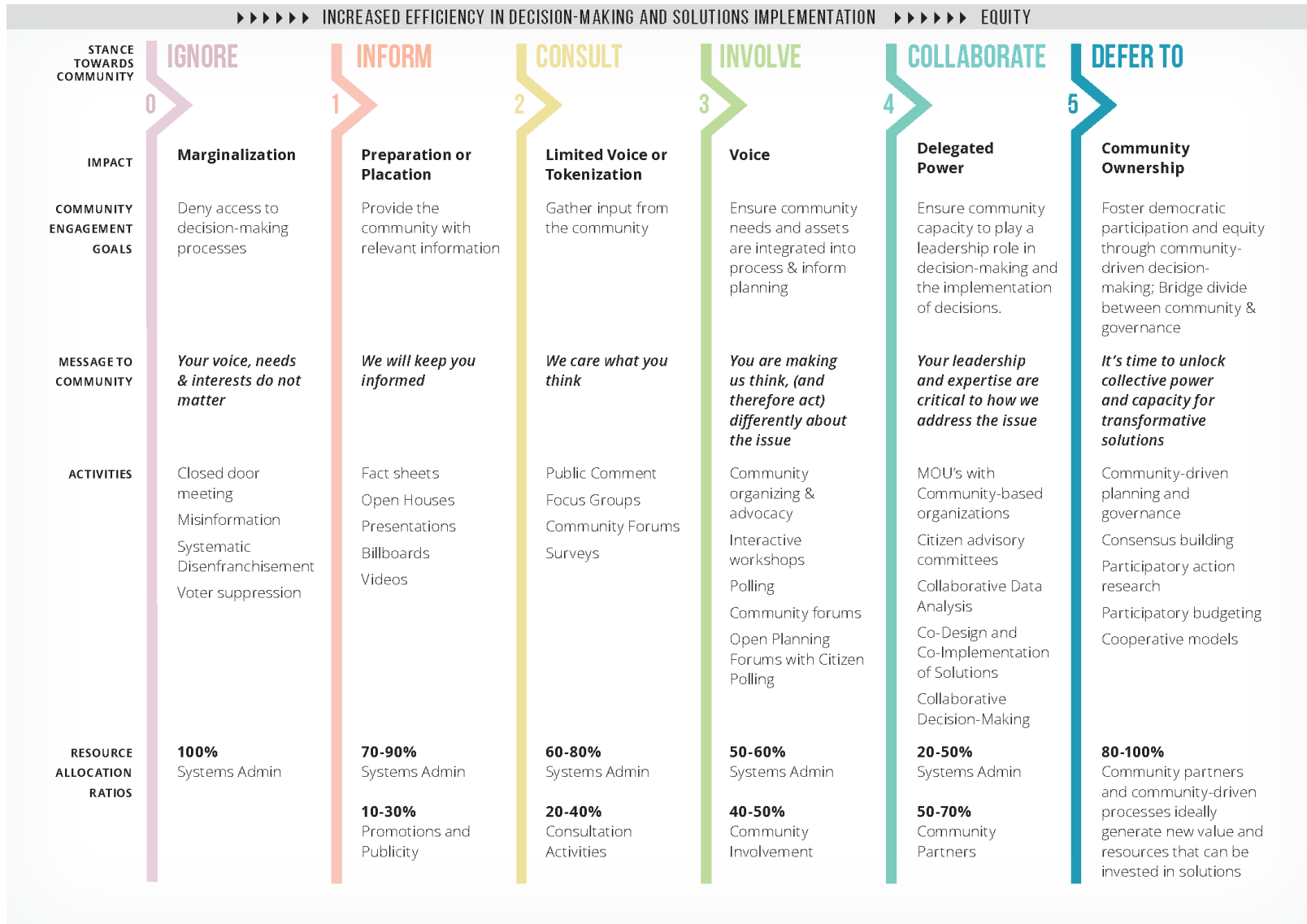
The Principles of Environmental Justice (EJ)

- 1) **Environmental Justice** affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.
 - 2) **Environmental Justice** demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.
 - 3) **Environmental Justice** mandates the right to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things.
 - 4) **Environmental Justice** calls for universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing that threaten the fundamental right to clean air, land, water, and food.
 - 5) **Environmental Justice** affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.
 - 6) **Environmental Justice** demands the cessation of the production of all toxins, hazardous wastes, and radioactive materials, and that all past and current producers be held strictly accountable to the people for detoxification and the containment at the point of production.
 - 7) **Environmental Justice** demands the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation.
 - 8) **Environmental Justice** affirms the right of all workers to a safe and healthy work environment without being forced to choose between an unsafe livelihood and unemployment. It also affirms the right of those who work at home to be free from environmental hazards.
 - 9) **Environmental Justice** protects the right of victims of environmental injustice to receive full compensation and reparations for damages as well as quality health care.
 - 10) **Environmental Justice** considers governmental acts of environmental injustice a violation of international law, the Universal Declaration On Human Rights, and the United Nations Convention on Genocide.
 - 11) **Environmental Justice** must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants affirming sovereignty and self-determination.
 - 12) **Environmental Justice** affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all our communities, and provided fair access for all to the full range of resources.
 - 13) **Environmental Justice** calls for the strict enforcement of principles of informed consent, and a halt to the testing of experimental reproductive and medical procedures and vaccinations on people of color.
 - 14) **Environmental Justice** opposes the destructive operations of multi-national corporations.
 - 15) **Environmental Justice** opposes military occupation, repression and exploitation of lands, peoples and cultures, and other life forms.
 - 16) **Environmental Justice** calls for the education of present and future generations which emphasizes social and environmental issues, based on our experience and an appreciation of our diverse cultural perspectives.
 - 17) **Environmental Justice** requires that we, as individuals, make personal and consumer choices to consume as little of Mother Earth's resources and to produce as little waste as possible; and make the conscious decision to challenge and reprioritize our lifestyles to ensure the health of the natural world for present and future generations.
- More info on environmental justice and environmental racism can be found online at www.ejnet.org/ej/**

Delegates to the First National People of Color Environmental Leadership Summit held on October 24-27, 1991, in Washington DC, drafted and adopted these 17 principles of Environmental Justice. Since then, the Principles have served as a defining document for the growing grassroots movement for environmental justice.

Appendix B – The Spectrum of Community Engagement to Ownership Graphic by Rosa Gonzalez

THE SPECTRUM OF COMMUNITY ENGAGEMENT TO OWNERSHIP



Appendix C – Washington State Office of the Attorney General Tribal Consent and Consultation Policy

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Tribal Consent & Consultation Policy



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Tribal Consent & Consultation Policy

CENTENNIAL ACCORD PLAN

Washington State Office of the Attorney General

I. The Role of the Attorney General in State Government

The Attorney General for the state of Washington is an independent constitutional officer and the legal adviser to state agencies, officers and officials. Among the duties assigned to the Attorney General by law is the duty to "represent the state and all officials, departments, boards, commissions and agencies of the state . . . in all legal or quasi legal matters . . . and advise all officials, departments, boards, commissions, or agencies of the state in all matters involving legal or quasi legal questions . . ." RCW 43.10.040. With few exceptions, the Attorney General is the exclusive source of legal counsel and representation for state officers and agencies.

Because of its role in state government and its comprehensive legal duties and responsibilities, the Attorney General's Office (AGO) is involved in a wide array of issues which potentially impact state agencies and tribal governments in their relations with one another. Because of this unique role, the AGO may be in a position to assist with communications and the facilitation of solutions that employ the diverse expertise and resources of multiple agencies and officials.

II. Overview of the Centennial Accord Plan

This plan covers AGO commitments and the process for consent, consultation and notice. Section IV describes the specific situations where the AGO will request consent from Tribes. Consent in this plan entails receipt of free, prior and informed consent prior to taking the actions specified in this plan that directly and tangibly affect Tribes, rights or tribal lands. Section V and VI describe the consultation between the AGO and Tribes. Consultation is a process where the AGO will share information regarding AGO actions with affected Tribes to ensure a complete understanding of the action and to identify and address tribal concerns. Specifically, Section V describes consultation prior to the AGO initiating litigation and Section VI states that Tribes may request consultation with the AGO. Section VII describes situations where the AGO will provide notice of AGO actions to Tribes.

In this plan, "Tribe" refers to the federally recognized American Indian Tribes in Washington State or the governing body of that Tribe. "Tribal land" includes "Indian Country" as defined in federal law as well as trust lands and lands which have been identified by a Tribe to the AGO as containing cultural, historic or archaeological resources.

III. Contact Within the Attorney General's Office

- **Asa Washines**

- Tribal Liaison
- 1125 Washington Street SE
- P.O. Box 40100
- Olympia, WA 98504-0100
- Phone: (360) 878-0664
- Email: Asa.Washines@atg.wa.gov

IV. Consent from Tribes on Certain AGO Actions

The AGO will receive free, prior and informed consent prior to taking certain actions specified in this section that directly and tangibly affect Tribes, rights or tribal lands.

A. Actions Subject to Consent

1) Unless prior consent is received, the AGO will not initiate an AGO program or project that directly affects a Tribe that the AGO undertakes under the independent authority of the Attorney General. Consent will not be requested related to AGO investigations, litigation, employment and other internal business decisions, or in circumstances where a failure to act may subject the AGO to sanction from a court.

2) AGO actions on behalf of any other entity in the AGO's role as legal counsel to state officials, agencies, departments, boards and commissions are not subject to consent. Consent also will not, and cannot, be requested on statutory duties and functions of the AGO, including but not limited to issuing legal opinions and formulating ballot titles for state initiatives or referendum measures.

3) Consent will not be requested on broad issues that impact many or all Washington Tribes, because a requirement for "consensus" from all affected Tribal governments would be both impractical and inconsistent with the independent sovereignty of each Tribe.

4) Actions specifically covered in the consultation and notice requirements of this plan are not subject to consent. The requirements for notice and consultation are covered in Sections V, VI and VII of this plan. However, the AGO may choose to request consent for programs and projects outside the scope of this section.

B. Request for Consent

1) The AGO will request consent by sending notification to the chair of the Tribe's governing body or to any person identified by the Tribes to receive the request. The AGO will send a copy of the request to each member of the Tribe's governing body.

2) The request will provide clear information about the AGO program or project and describe its potential impact to the Tribe.

3) Tribes may identify persons to receive the request by sending the name, address and contact information to an AGO Tribal Liaison.

C. Consent

1) Consent is a written resolution from the governing body of the affected Tribe.

- 2) If a Tribe does not respond within the timeframe designated in the request then the AGO will interpret that as a grant of consent.
- 3) If a Tribe responds to a request for consent by objecting to the project or program, the AGO may request consultation with the Tribe to see if issues raised by the Tribe can be addressed.

V. Consultation with Tribes Prior to Litigation Initiated by the AGO

The goal of consultation is to further the government-to-government relationship between Tribes and the State, and ensure the mutual respect for the rights, interests and obligations of each sovereign. A further goal of consultation is to share information regarding AGO actions to ensure a complete understanding of the action and to identify and address tribal concerns. Consultation is independent of and in addition to any other public participation process required by law.

A. Litigation Consultation

1) To the extent consistent with the Rules of Professional Conduct, and with the goal to avoid litigation whenever possible, the AGO will consult with a Tribe prior to filing civil litigation against a Tribe or a business owned by a Tribe. The AGO may request consultation on other issues to further the goals of this plan.

B. Consultation Request

1) The AGO will request consultation by sending notification to the chair of the Tribe's governing body or to any person identified by the Tribe to receive notice. The AGO will send a copy of the notice to each member of the Tribe's governing body. Tribes may identify persons to receive notice by sending contact information to an AGO Tribal Liaison.

2) The notice will provide clear information about the dispute or issue.

3) The notice will provide a time of no less than thirty days for the Tribe to respond to the AGO accepting the invitation to consult or declining consultation. Thirty days will run from the date of actual receipt or five days after date of mailing for notices sent by first class mail. The notice will clearly state the timeframe for response and how to respond.

4) If a statute of limitations, court rule, or other factor requires the AGO to provide less than 30 days notice, the AGO will clearly identify the deadline in the notice and make every reasonable effort to consult within the time available.

5) If the Tribe does not respond within thirty days of receipt of the notice, or the amount of time provided under (4), the AGO may conclude that the Tribe has declined consultation on the project.

C. Consultation Process

1) Where a Tribe accepts the invitation to consult, the AGO will contact the Tribe to establish a mutually agreed timeline for completion of consultation. The AGO will communicate any time constraints on the process.

2) The AGO and the Tribe will identify to each other a point of contact and persons who will participate in the consultation. The AGO and Tribe's point of contact will schedule any necessary meetings. Whenever feasible, the Attorney General or Chief Deputy will personally participate in the consultation.

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Tribal Consent & Consultation Policy

- 3) The AGO will work in good faith during the consultation process to identify and address the Tribe's concerns.
- 4) The Tribe may choose how to provide feedback and identify concerns including whether in writing, verbally during a meeting or in other form.
- 5) The AGO will provide a response to the Tribe detailing how the AGO will respond to the Tribe's feedback and concerns.

VI. Consultation with the AGO at the Request of Tribes

The AGO is always open to consultation at the request of Tribes on any issue or topic contemplated by the Centennial Accord. The AGO is also amenable to assisting Tribes in resolving disputes with state agencies or officials or with the AGO itself. The nature and extent of the consultation or dispute resolution process may vary depending on the role the AGO occupies in relation to the issue or topic. Tribes may request consultation with the AGO or AGO participation or assistance with dispute resolution by contacting the Attorney General or an AGO Tribal Liaison.

VII. Notice to Tribes of Other AGO Actions

The AGO will provide notice to Tribes prior to:

- Proposing legislation that may directly affect Tribes, rights or tribal lands;
- Filing an amicus brief that may directly affect Tribes, rights or tribal lands.

The AGO will provide notice to Tribes after:

- Filing a ballot title for a state initiative or referendum measure with the Office of Secretary of State on an initiative or referendum measure that directly affects Tribes, rights or tribal lands.

A. Notice to Tribes

- 1) The AGO will send notice to the chair of the Tribe's governing body or to any person identified by the Tribes to receive notice. The AGO will send a copy of the notice to each member of the Tribe's governing body. Tribes may identify persons to receive notice by sending the name, address and contact information to an AGO Tribal Liaison.
- 2) The notice will provide clear information about the action, the timelines associated with the action and will provide information for the Tribe to contact the AGO for additional information.

DATED this 10th day of May, 2019.