



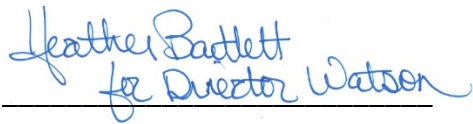
STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

EXEMPTION TO RCW 70A.02.060 ENVIRONMENTAL JUSTICE ASSESSMENT

Under the authority of RCW 70A.02.120(2), I determine that in the event that Chapter 173-167 WAC: Emergency Drought Funding emergency rule is considered to be a significant agency action under the Healthy Environment for All (HEAL) Act, this emergency rule is exempted from the requirements of RCW 70A.02.060, including the requirement to complete an environmental justice assessment. I have determined that any delay in adopting this emergency rule would be likely to cause serious harm to the public interest. Nevertheless, Ecology has prepared this environmental justice assessment to the best of its abilities under the circumstances in the spirit of advancing the interests of the HEAL Act.

DATED this 24th day of July, 2023



Heather Badgett
for Director Watson

Laura Watson, Director



Chapter 173-167 WAC

Emergency Drought Funding

An Environmental Justice Assessment (per RCW 70A.02.060)

By

Caroline Mellor

For the

Water Resources Program

Washington State Department of Ecology
Olympia, Washington

July 2023, Publication 23-11-008

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ADA Accessibility

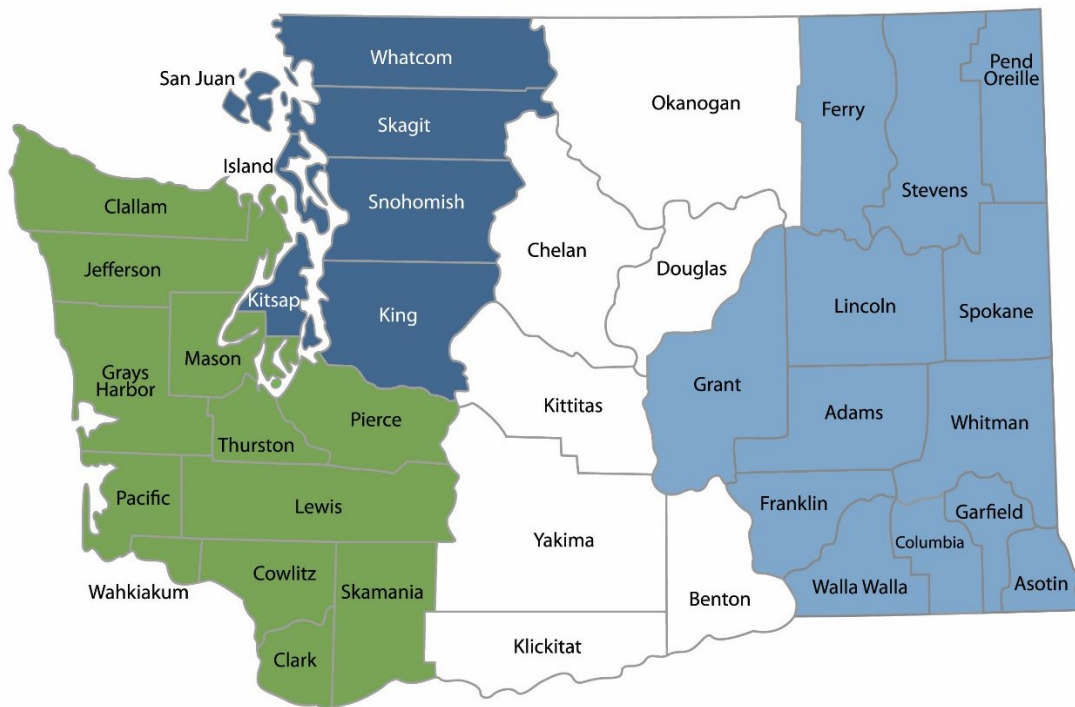
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¹ www.ecology.wa.gov/contact

Department of Ecology's Regional Offices

Map of Counties Served



Southwest Region 360-407-6300	Northwest Region 206-594-0000	Central Region 509-575-2490	Eastern Region 509-329-3400
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Region	Counties served	Mailing Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	P.O. Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	P.O. Box 330316 Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 West Alder Street Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 North Monroe Spokane, WA 99205	509-329-3400
Headquarters	Statewide	P.O. Box 46700 Olympia, WA 98504	360-407-6000

Chapter 173-167 WAC Emergency Drought Funding

An Environmental Justice Assessment (per RCW 70A.02.060)²

Water Resources Program
Washington State Department of Ecology
Olympia, WA

July 2023 | Publication 23-11-008



DEPARTMENT OF
ECOLOGY
State of Washington

² <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02&full=true#70A.02.010>

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Executive Summary

The rulemaking re-establishes the emergency grant program for when drought is declared to allow Ecology to award funds among qualifying entities to mitigate the most severe impacts to water users and the environment due to the current drought emergency. This emergency rule describes applicant and project eligibility.

While the emergency rule does not specifically target areas with environmental health disparities, the areas of the Emergency Drought Declaration include a portion of areas that rank a 9 or 10 on the Environmental Health Disparities (EHD) Map and in the 80th percentile for race and income on EPA's EJScreen Mapping tool.

The Tribal section identifies the Tribes with Tribal land that intersects with Water Resource Inventory Areas (WRIAs) within the Emergency Drought Declaration.

The statute limits fund distribution to the listed public entities in the areas identified in the Emergency Drought Declaration. Due to the emergency nature of this action and statutory restrictions, Ecology has not assessed the options for equitable distribution of these funds.

Environmental Justice Assessment

Purpose of the Environmental Justice Assessment

The Environmental Justice (EJ) Assessment process helps assess the environmental justice impacts of Significant Agency Actions (SAAs). The assessment informs and supports consideration of overburdened communities and vulnerable populations when making decisions. This information assists with the equitably distributing environmental benefits, reducing environmental harms, and identifying and reducing health disparities.

The EJ assessment process aligns with Washington's Environmental Justice law called the Healthy Environment for All (HEAL) Act ([RCW 70A.02](#)), as well as federal commitments in the [Performance Partnership Agreement](#) with the EPA. The assessment process draws on best practices established in [Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](#) and [Promising Practices for EJ Methodologies in NEPA Reviews](#).

Environmental justice assessments are to be completed for the following actions:

- The development and adoption of significant legislative rules as defined in [RCW 34.05.328](#).
- The development and adoption of any new grant or loan program that a covered agency is explicitly authorized or required by statute to carry out.
- A capital project, grant, or loan award of at least \$12,000,000 or a transportation project, grant, or loan of at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or the Office of Financial Management for approval.
- (Covered actions are expected to expand in 2025)

This assessment is not required to be a comprehensive or an exhaustive examination of all potential impacts of a significant agency action and does not require novel quantitative or economic analysis of the proposed significant agency action.

The time and resource investment, and depth of assessment, will be influenced by the reasonable applicability of the questions to the agency action.

Ecology plans to update this document and incorporate what we learn through practice, community engagement, Tribal consultation, and any guidance we may receive from the Environmental Justice Council.

This Environmental Justice Assessment is adapted for publication and does not include internal agency process instructions.

Section 1: Background

The information in this section is provided for the Office of Financial Management's [dashboard](#)³ which includes all covered agency's Environmental Justice Assessment notices.

1. Descriptive title of project/action:
Emergency rule adoption for WAC 173-167 Emergency Drought Funding and the associated grant program.
2. Date EJ Assessment initiated:
7/12/2023
3. Ecology Program/Office:
Water Resources Program
4. Point of contact for EJ Assessment:
Caroline Mellor
5. Significant Agency Action type, select one or more:
 - Rulemaking
 - New grant or loan program
 - New capital project, grant, or loan of \$12 million or more
 - Request legislation
 - Other, explain:
6. Write a short summary of the action.
The Department of Ecology is adopting a new emergency rule chapter 173-167 WAC, Emergency Drought Funding. This emergency rule provides eligibility criteria for grant funds to alleviate hardship resulting from the drought declared on July 24, 2023.

The emergency rule will be effective through November 20, 2023. If needed, Ecology may adopt subsequent emergency rules.

As this is an emergency, the rule is going into effect immediately. Due to the nature of the emergency action, Ecology is completing this assessment based on existing information.

The rulemaking re-establishes the emergency grant program for when drought is declared. This is not a new grant or loan program. This will allow Ecology to award funds to qualifying entities to mitigate undue hardship to the environment and water users caused by the drought emergency. This emergency rule describes applicant and project eligibility. The

³ <https://ofm.wa.gov/budget/budget-related-information/agency-activities/environmental-justice-assessment-notices>

emergency drought grant funding applies to the area of the state listed in the drought declaration.

7. Identify the method(s) for the public to comment on this proposed action for this assessment.

This rulemaking uses emergency adoption, which does not include public comment because the rule becomes effective immediately. Using this process expedites the availability of funds to reduce hardship experienced due to the current drought.

8. Create/provide an Ecology webpage with information about this proposed action.
Provide link here: [Drought response - Washington State Department of Ecology](#)

Section 2: Notification that an Environmental Justice Assessment has been Initiated

This section instructs Ecology staff to notify OFM about the initiation of the action.

Section 3: Identify Affected Tribes

This section summarizes preliminary planning for Tribal Consultation. Ecology must offer consultation with Tribes on significant agency actions that affect federally recognized Tribes' rights and interest in their tribal lands.

Preparing for Tribal Consultation

1. Is the proposed action likely to have any local or regional impacts to federally reserved Tribal rights and resources, including but not limited to, those protected by treaty, executive order, or federal law? Choose one of the following:
 Yes
 No
 Unsure
2. List any federally recognized Tribes that are expected to be affected by the proposed action. If it is determined during consultation that Tribes do not wish to be included, then do not include them.

On July 24, 2023, the Department of Ecology (Ecology) issued a Drought Emergency Declaration for specific geographic areas in Washington State and a Drought Advisory for all other areas in the state. Based on the Water Resource Inventory Areas (WRIAs) included in the Drought Emergency Declaration, the following federally recognized Tribes are expected to be impacted. These federally recognized Indian tribes have reservation land or a usual and accustomed harvest area within the water resource inventory area:

- Lummi Nation
- Nooksack Tribe
- Samish Indian Nation
- Upper Skagit Tribe
- Swinomish Tribe
- Confederated Tribes of the Coville Reservation
- Confederated Tribes and Bands of the Yakama Nation
- Lower Elwha Klallam Tribe
- Quileute Tribe
- Makah Tribe
- Hoh Tribe
- Sauk-Suiattle Indian Tribe
- Confederated Tribes of Umatilla

3. If it is determined at any other point in the process of the assessment that Tribes have self-identified as being potentially impacted by the action, then include them in the assessment and offer consultation.

Under the Emergency Drought Funding Rule, any federally recognized Tribe is eligible for grant funding so long as the proposed project is partially or completely within the area of a drought declaration order by Ecology.

4. Describe plans to offer consultation to identified Tribes.

Per rulemaking requirements for the Emergency Drought Funding Rule, federally recognized Tribes are offered consultation at the announcement, proposal, and adoption phases of all rulemakings filed by Ecology. For this rulemaking, all chairpersons and natural resource directors of these tribes were notified of this offer on July 24, 2023. All will also receive additional notification regarding the Emergency Drought declaration.

Section 4: Offer Consultation:

This section directs Ecology staff to offer consultation with Tribes on significant agency actions that affect federally recognized Tribes' rights and interest in their tribal lands.

Section 5: Summary of Tribal Consultation & Engagement

Tribal consultation is intended to inform the answers to all questions in this section.

Summary of Tribal Consultation

1. Describe potential impacts (including harms and benefits) to federally recognized Tribal rights and interests in their tribal lands.

- Do not share sensitive data or location information attributable to individual sites.
- Do not share any information that Tribes have requested that you not share.

Federally recognized Tribes are offered consultation at the announcement, proposal, and adoption phases of all rulemakings filed by Ecology. For this rulemaking, all chairpersons and natural resource directors of these tribes were notified of this offer on July 24, 2023.

Prior to the Emergency Drought Declaration, three Tribes shared concerns regarding water availability and potential interest in a Drought Declaration. Of Tribes that shared concern, none requested that this information not be shared.

- **Jamestown S’Klallam Tribe** - Recommended a declaration. They are concerned that as flows drop below 140 cubic feet/second (cfs) riffles will become too shallow to support fish migration. They have expressed interest in leasing water rights (paying irrigators to forgo late-season irrigation). Ecology has an agreement with irrigators for them to take no more than 50 percent of the river once flow drops to 120 cfs between August 15 September 15, 2023. Irrigators are done diverting water from the river on Sept. 15th.
- **Makah Tribe** - Neah Bay has been on mandatory watering restrictions since May 17, 2023. The Makah Tribe had to move fish from their hatchery to a Quilcene hatchery because of low flows. The tribe bulldozed a gravel berm at the saltwater/freshwater interface of the Clallam River to facilitate fish migration (this berm is a common feature but may have developed earlier than usual this year). The Tribe had to use part of their freshwater supply fighting brushfires.
- **Yakama Nation** – The Yakama Nation has declared drought.

2. Describe potential impacts related to Tribal rights and interests that are not in Tribal lands.

The drought may impact fisheries within Tribal normal and accustomed fishing areas, outside of Tribal lands. The Emergency Drought Rule sets the structure to make funding available to reduce hardship faced from the current drought. Emergency drought funding eligible projects must address drought hardships to agriculture or livestock, public water supplies, or fisheries and wildlife. Tribes are eligible to apply for the emergency drought funding grants.

Funded projects by public entities may also have an impact on Tribal land or interests as described above. During the scoping process, Ecology will evaluate projects will be evaluated if they need cultural review. If a cultural review is deemed necessary, Ecology will follow all required procedures for cultural review.

3. Summarize recommendations from Tribes to:

- a. Mitigate or eliminate potential harms from the action.

Ecology will continue to consult and engage on the concerns of Tribes.

- b. Equitably distribute benefits from the action

Ecology will continue to consult and engage on the concerns of Tribes.

- 4. Describe how consultation, engagement, and analyses of impacts to Tribes has informed the development of the action. If it has not, explain why.

Information from the James S’Klallam and Makah Tribes on current hardship related to the water supply helped inform the geographic area of the Emergency Drought declaration which impacts the eligibility of projects.

- 5. Describe any plans to continue consultation or engagement with Tribes related to this action.

Per rulemaking requirements for the Emergency Drought Funding Rule, the Water Resources Program has offered consultation. If we receive more information or requests, we will continue to engage with those Tribes.

Section 6: Identification of Overburdened Communities & Vulnerable Populations

This section identifies overburdened communities and vulnerable populations, as identified in the [definitions of RCW 70A.02](#), who will be affected by the action.

Identify Overburdened Communities and Vulnerable Populations

- 1. Identify the geographic area(s) anticipated to be affected by the action.

On July 24, 2023, the Department of Ecology (Ecology) issued a Drought Emergency Declaration for specific geographic areas in Washington State and a Drought Advisory for all other areas in the state. The areas included in the declaration include the following water resource inventory areas:

Table 1. Impacted Water Resource Inventory Areas (WRIA)

Name	Water Resource Inventory Area
Nooksack	WRIA 1
Upper and Lower Skagit	WRIAs 3 and 4
Dungeness-Elwha	WRIA 18
Lyre-Hoko	WRIA 19
Sol Duc – Hoh	WRIA 29
Walla Walla	WRIA 32
Lower Yakima	WRIA 37
Naches	WRIA 38
Upper Yakima	WRIA 39

Name	Water Resource Inventory Area
Methow	WRIA 48
Okanogan	WRIA 49

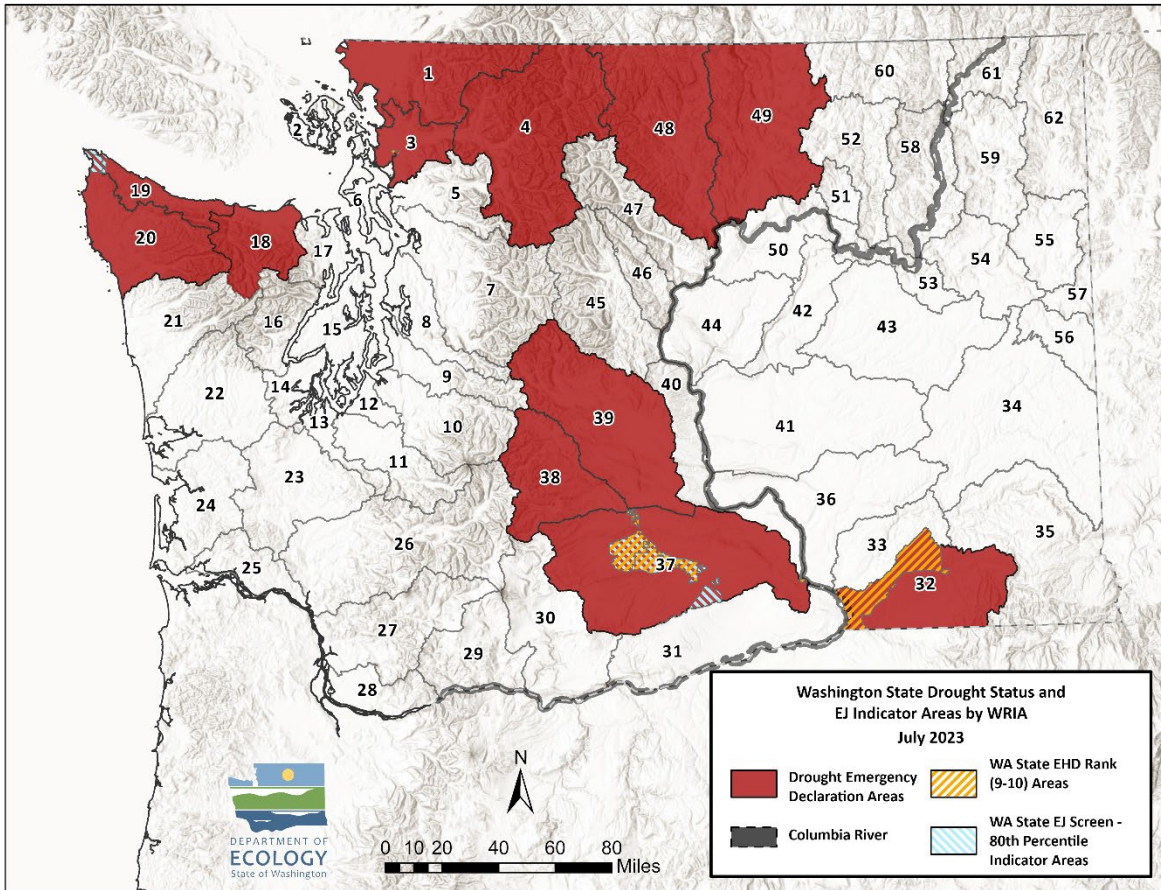


Figure 1. Map of areas of declared drought status and EJ Indicator areas.

- When applicable, using the [Washington State Department of Health’s Environmental Health Disparities Map \(EHD Map\)](#), identify the EHD Map rankings for all census tracts likely to be impacted by the action.

The map above illustrates the overlap of the Emergency Drought Declaration area with 9 and 10 ranked census tracts from the EHD Map and at or above 80th percentile for the “People of color” and “Low income” socioeconomic indicators.

- From the rankings identified in question 2, are there any census tracts ranked 9 and 10?

Yes

Table 2. Census Tracts with an EHD Map Rank of 9 or 10 within the Emergency Drought Declaration

Census Track	EHD Map Rank	Water Resource Inventory Area (WRIA)
53005011501	9	32
53071920000	9	32
53057952200	9	3
53057952200	9	3
53077000200	10	38
53077000300	9	38
53077000200	10	37
53077000300	9	37
53077001400	9	37
53077000700	10	37
53077940002	9	37
53077000100	10	37
53077940001	9	37
53077940004	10	37
53077001300	10	37
53077000600	10	37
53077000500	9	37
53077001501	10	37
53077001502	9	37
53077001202	10	37
53077002102	9	37
53077940006	9	37
53077940005	9	37
53077001201	10	37
53005010600	9	37

4. Please describe additional cumulative health considerations relevant to this action.

An emergency rule is necessary to protect public health and safety and promote timelines that are in the best interest of the public. Once the rule is in place, Ecology may distribute funds to alleviate hardship. Drought can cause immediate impacts to public welfare. To address these impacts, drought funding needs to be administered in a timely manner.

5. When applicable, using the EPA’s Environmental Justice Screening and Mapping Tool (EJScreen), identify areas likely to be impacted by the action that are at or above the 80th percentile⁴ (in state) for the “People of color” and “Low income” socioeconomic indicators.

⁴ The EPA identified the 80th percentile as an initial starting point and potential indicator of environmental justice considerations. <https://www.epa.gov/ejscreen/frequent-questions-about-ejscreen>

The primary areas identified as 80th percentile in EJScreen for people and color and low income are within the cities of Yakima and Clallam.

6. Identify other EJScreen “Socioeconomic” and “Health Disparities” indicators at or above 80th percentile (in state) that are most relevant to this action.

Environmental and demographic indicator areas above the 80th percentile relevant to this action are in areas of Yakima for the Wastewater Dischargers Indicator (Stream Proximity and Toxic Concentration).

7. Using EJScreen, identify additional anticipated impacts from climate change in the impacted area, if relevant.

Ecology will continue to assess in future EJ assessments.

8. Using the federal Climate and Economic Justice Screening Tool (CEJST)⁵, identify if the potentially affected area is considered disadvantaged for climate risks for additional indicators (as relevant).

Ecology will continue to assess in future EJ assessments.

9. Identify additional overburdened communities and vulnerable populations that are likely to be affected by the action.

There have been concerns of potential layoffs due to drought. This action may provide support indirectly due to the eligibility of some agricultural projects.

10. Through community engagement, were additional overburdened communities and vulnerable populations identified who are likely to be affected by the action? Describe additional communities or populations identified, and the reasons they would be considered overburdened and vulnerable.

An emergency rule is necessary to protect public health and safety and promote timelines that are in the best interest of the public. Once the rule is in place, Ecology may distribute funds to alleviate hardship. Drought can cause immediate impacts to public welfare. To address these impacts, drought funding needs to be administered in a timely manner. No additional communities or populations were identified.

11. Through Tribal Consultation, were additional overburdened communities and vulnerable populations identified who are likely to be affected by the action? Describe additional communities or populations identified, and the reasons they would be considered overburdened and vulnerable.

An emergency rule is necessary to protect public health and safety and promote timelines that are in the best interest of the public. Once the rule is in place, Ecology may distribute funds to alleviate hardship. Drought can cause immediate impacts to public welfare. To address these impacts,

⁵ This is a national tool and may provide relevant information and understanding of the climate related context of the action. Learn more about the methodology for identifying if a community is disadvantaged for climate risks here: [Methodology & data - Climate & Economic Justice Screening Tool \(geoplatform.gov\)](https://geoplatform.gov/methodology-and-data-climate-economic-justice-screening-tool)

drought funding needs to be administered in a timely manner. No additional communities or populations were identified.

Section 7: Summary of Community Engagement

This section summarizes community engagement activities. Community Engagement should be tailored to specifically reach overburdened communities and vulnerable populations. Community engagement is required for all significant agency actions, but the engagement methods will vary depending on the size, scope, and topic of the project. The level, type, and form of engagement is based on the likelihood that the actions may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population.

Summarizing Community Engagement

1. Describe the engagement activities with identified overburdened communities and vulnerable populations.

This rule adoption is an emergency action to allow for funding to be available for the geographic areas within the Emergency Drought Declaration. Due to the nature of this emergency action, there were no community engagement activities.

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

Due to the emergency nature of this action and statutory restrictions, Ecology has not assessed the options for barriers to meaningful engagement.

3. Identify overburdened communities or vulnerable populations potentially affected by the action who were not engaged and explain why not.

Due to the emergency nature of this action and statutory restrictions, Ecology has not assessed the options to engage communities and populations not identified.

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

Due to the emergency nature of this action and statutory restrictions, Ecology has not assessed the options for equitable distribution of these funds.

5. Describe any plans for ongoing engagement with overburdened communities and vulnerable populations related to this action.

Upon rule adoption, Ecology will issue a news release, offer government to government consultation with Tribes, post announcements on social media, send Listserv notifications (Washington Water Supply list, Water Resources list, Water Resources Advisory Committee list, WAC Track list), and post to our website.

Ecology has produced grant application guidance, and staff will be available to provide technical assistance for applicants throughout the process.

Ecology will create a report publication describing the 2023 drought response, including a summary of activities and projects completed under the funding rule.

Section 8: Potential Environmental Benefits & Harms from Action

This section summarizes anticipated benefits and harms from the potential action, and to assess impacts on overburdened communities and vulnerable populations. The level, type, and form of engagement is based on the likelihood that the actions may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population. Answers to the questions in this section may have helped in strategizing our approach to engagement.

Identify Potential Environmental Benefits & Harms from Action

1. Describe the anticipated benefits (direct and/or indirect) from this action.

The rulemaking re-establishes a grant program that will allow Ecology to award funds to qualifying entities to mitigate the most severe human health, fish health, and agricultural emergencies because of the current drought emergency. This emergency rule describes applicant and project eligibility. The emergency drought grant funding applies to the areas of the state listed in the drought declaration.

2. Who will primarily benefit from this action?

People within the geographic areas of the Emergency Drought Declaration.

3. Only the following public entities are eligible for grants (based on the RCW 43.83B.415):

- Counties, cities, and towns;
- Water and sewer districts formed under chapter 57.02 RCW;
- Public utility districts formed under chapter 54.04 RCW;
- Port districts formed under chapter 53.04 RCW;
- Conservation districts formed under chapter 89.08 RCW;
- Irrigation districts formed under chapter 87.03 RCW;
- Watershed management partnerships formed under RCW 2839.34.200;
- Federally recognized tribes.

As a result of grants, rural communities drinking water, agricultural sector economic concerns, and fish health may be addressed. Grant projects are eligible only for projects within the drought declaration area.

3. How is the action expected to benefit specifically overburdened communities or vulnerable populations? If there is no benefit, identify potential barriers to benefitting from the action.

While the emergency rule does not specifically target areas with environmental health disparities, the areas of the Emergency Drought Declaration include a portion of areas that rank a 9 or 10 on the Environmental Health Disparities (EHD) Map and in the 80th percentile for race and income on EPA's EJScreen Mapping tool.

4. Describe anticipated harms (direct and/or indirect) from this action.

The emergency rule grant program eligibility is based on if the geographic location of the project is within the drought declaration areas. The statute directs the above listed public entities as the only entities eligible for grants (state agencies may have an interagency agreement with Ecology). The limitation on eligible entities may serve as a barrier for benefitting from the emergency rule drought funding depending on the relationship between the public entity and overburdened communities and vulnerable populations. Those entities may not have the capacity to apply for and distribute funds based on their own capacity.

5. Who will primarily experience the harms?

The rule addresses impacts from the current drought within the Emergency Drought Declaration areas.

6. Describe how the action may harm overburdened communities or vulnerable populations? Be as specific as possible.

The rule addresses impacts from the current drought within the Drought Declaration areas. This action is not anticipated to harm overburdened communities or vulnerable communities.

7. Describe how the action would address environmental and health disparities.

The rule addresses impacts from the current drought within the Emergency Drought Declaration areas.

Section 9: Options to Eliminate, Reduce, or Mitigate Harms and Equitably Distribute Benefits

This section summarizes options identified for eliminating, reducing, or mitigating harms, as well as options for equitably distributing anticipated benefits. The answers in this section should be informed by engagement, answers from the previous subsections, and any legislative or regulatory boundaries that limit possible decision making.

Identify Options to Eliminate, Reduce, or Mitigate Harms & Equitably Distribute Benefits

1. Describe options to reduce, mitigate, or eliminate the identified probable harms to overburdened communities and vulnerable populations; and options to equitably distribute the benefits.

The rule addresses impacts from the current drought within the Emergency Drought Declaration areas. Due to the emergency nature of this action and statutory restrictions, Ecology has not assessed the options for equitable distribution of these funds.

2. Describe methods chosen for this action to reduce, mitigate, or eliminate the identified probable harms to overburdened communities and vulnerable populations; and methods chosen to equitably distribute the benefits. You must consider the following methods, but are not limited to them:

- Eliminating the disparate impact of environmental harms on overburdened communities and vulnerable populations;
- Reducing cumulative environmental health impacts on overburdened communities or vulnerable populations;
- Preventing the action from adding to the cumulative environmental health impacts on overburdened communities or vulnerable populations;
- Providing equitable participation and meaningful engagement of vulnerable populations and overburdened communities in the development of the significant agency action;
- Prioritizing equitable distribution of resources and benefits to overburdened communities;
- Promoting positive workforce and job outcomes for overburdened communities;
- Meeting community needs identified by the affected overburdened community;
- Modifying substantive regulatory or policy requirements; and
- Any other mitigation techniques, including those suggested by the council, the office of equity, or representatives of overburdened communities and vulnerable populations.

Due to the emergency nature of this action and statutory restrictions, Ecology has not assessed the options for equitable distribution of these funds.

3. If the agency determines it does not have the ability or authority to eliminate, reduce, or mitigate environmental harms caused by the action, or address the equitable distribution of environmental benefits, explain why that determination was made.

Due to the emergency nature of this action and statutory restrictions, Ecology has not assessed the options for equitable distribution of these funds.

Section 10: Executive Summary

The rulemaking re-establishes the emergency grant program for when drought is declared that will allow Ecology to award funds among qualifying entities to mitigate the most severe human health, fish health, and agricultural emergencies because of the current drought emergency. This emergency rule describes applicant and project eligibility.

While the emergency rule does not specifically target areas with environmental health disparities, the areas of the Emergency Drought Declaration include a portion of areas that rank a 9 or 10 on the Environmental Health Disparities (EHD) Map and in the 80th percentile for race and income on EPA's EJScreen Mapping tool.

The Tribal section identifies the Tribes with Tribal land that intersects with Water Resource Inventory Areas (WRIAs) within the Emergency Drought Declaration.

The statute limits the distribution of these funds to the listed public entities in the areas identified in the Emergency Drought Declaration. Due to the emergency nature of this action and statutory restrictions, Ecology has not assessed the options for equitable distribution of these funds.

Section 11: Notification of Completed Assessment

This section summarizes processes for staff to take once they have completed their assessment, including steps for sharing the final product. Learn more about all ongoing and completed Environmental Justice Assessments on our [agency webpage](https://ecology.wa.gov/About-us/Who-we-are/Environmental-Justice/HEAL/EJ-Assessments)⁶.

⁶ <https://ecology.wa.gov/About-us/Who-we-are/Environmental-Justice/HEAL/EJ-Assessments>