VERMONT

Joint Meeting of Vermont's Environmental Justice (EJ) Advisory Council and Interagency EJ Committee

Monday, December 18, 2023
9:30 AM – 12:00 PM EST

This is a public meeting. The meeting is being recorded and will be uploaded to the Agency of Natural Resources' YouTube page and website.

Relational Community Agreements

1. **Be present with yourself and one another.** Be present with your body and feelings; if you need to take a break to take care of yourself, please do. Be present for one another by listening deeply.

2. **Calling in and calling out.** Assume best intent but attend to impact. We can stop things that are being said that are hurtful and be curious and create a space for learning (tools include using "oops"/"ouch" to indicate a pause is needed).

3. **Expect and accept non-closure.** We are unlikely to leave here feeling 100% ready to go, or to have everything on our agenda wrapped up, especially if we are committed to moving at the speed of trust.

4. **Center respect.** Be respectful, intentional, and work to build trust and create a safe and inviting space.

5. **Share verbal (and other) space mindfully:** consider the balance of taking and making space ("move up, move back"). Tools to do this include the acronym W.A.I.T ("why am I talking?") and vocalizing support for another person's comment without repeating the same points that have already been made.

Consenting to Prior Meeting Minutes & Agenda for Today's Meeting

9:30 AM -- Welcome and introductions: Consenting to Community Agreements; Approve October 23, 2023 minutes; Review and Approve December 18, 2023 Agenda

9:45 AM -- 2023 Year in Review : EJ Coordinator presentation (10 mins); Break-out group discussion: lessons learned & goals for next year with group report-back (20 mins)

10:15 AM -- Public Comment

10:25 AM -- Break

10:30 AM -- 2024 Roadmap: Interim due date adoption and review of deliverables due in 2024; Task Group establishment & sign-ups; 2024 meeting approach

11:40 AM -- Public Comment

11:50 AM -- Review of next steps / close-out reflections: name one thing motivating you to stay engaged in this role another year

12:00 PM – 1:00 PM: informal relationship-building over lunch

2023 Year in Review: Laying the Groundwork

- Establishment of new Civil Rights & Environmental Justice Unit within the Agency of Natural Resources (Secretary's Office)
- Hiring (and re-hiring) Environmental Justice Coordinators
  - Successfully advocated for base budget funding to make positions permanent
- Creating VT EJ Law webpages and initiating community outreach
- Developing and implementing strategies to provide technical, legal, and administrative support to AC, IAC, and covered agencies
- Identifying and addressing structural barriers to the work (e.g. per diem rate, recalibration of due dates, etc.)

2023 Year in Review: Public Meetings

All Agendas, Recordings, and Meeting Minutes & Materials Available Online

- March 10, 2023: Joint AC & IAC Meeting
  - *No meetings in April or May while per diem authorization was resolved*
- July 18, 2023: Joint AC & IAC Meeting
- August 11, 2023: IAC Only Meeting:
- August 21, 2023: AC Only Meeting
- September 25, 2023: Joint AC & IAC Meeting
- October 23, 2023: Joint AC & IAC Meeting
- November 6, 2023 / November 8, 2023: AC-Only Meeting (2 time slots)
- November 22, 2023: IAC Only Meeting
- December 18, 2023: Joint AC & IAC Meeting

Total: 10; Joint: 5; AC-Only: 3; IAC-Only: 2

2023 Year in Review: Process Agreements

- **March:** commitment to consensus-based decision making, noting any dissenting views in writing. “Go all together or not at all”
- **July:** Community agreements formally adopted
- **July: “**The Interagency EJ Committee and the Agency of Natural Resources will not finalize deliverables addressed in the EJ Law if the EJ Advisory Council is not in a consent position. Consent decisions will include a written justification that articulates any concerns that still exist even if consensus has been reached, or if consensus is not yet reached. We will collectively advocate for flexibility in deadlines to address substantive concerns with moving deliverables forward, recognizing we are accountable for timelines in the Law and are working in good faith to meet due dates.”

2023 Year in Review: Moving Deliverables Forward

2023

- 09/01/23*: Core Principles for Agency Community Engagement Plans
- 11/15/23*: Environmental Benefit Spending Report Guidance
- 12/01/23: EJFP Definition Changes Proposed to General Assembly

2024

- 01/15/24: Agency Annual Reporting (1): Civil Rights (CR) & EJ Complaints
- 04/15/24*: Agency Baseline Environmental Benefit Spending Reports
- 07/01/24: Agencies Set Goals for Proportional Investment in EJFPs

2025

- 01/01/25: EJ Mapping Tool Available
- 01/15/25: Agency Annual Reporting (2): CR & EJ Complaints; EJ Actions
- 07/01/25: EJ Map & Environmental Burden Rulemaking (ANR)
- 07/01/25: Agency Community Engagement Plans
- 12/15/25: ANR Summary of Agency Baseline Benefit Spending Reports

2026

- 01/15/26: Agency Annual Reporting (3): CR & EJ Complaints; EJ Actions; Environental Benefit Spending -- *annual reporting continues beyond 2026*
- 07/01/26 (ongoing): Agencies update policies & procedures, plans, guidance, and rules to implement the EJ Law

*due date reflects a two-month extension originally requested to account for time required to authorize per diem payments for Advisory Council members.

Additional delays have occurred; see proposed due date recalibration for all deliverables in the VT EJ Law

2023 Year in Review: Community Engagement

Co-drafting and adoption of final draft of Core Principles to guide covered agencies' Community Engagement Plans

- Creation of guide to drafting the Core Principles
- Creation of multiple drafts with reference documents citing sources of ideas and feedback that shaped each draft
- Creation of online resource library with research and tools related to community engagement)
- Final draft adopted by IAC and AC members, with agreement to conduct a minimum 45-day public comment period before releasing to covered agencies

2023 Year in Review: Environmental Benefits

Drafting Guidance for Covered State Agencies' 3-Year Environmental Benefit Spending Reports

- Establishment of Environmental Benefits Task Group (met six times)
- Creation of guide to drafting the Agency Spending Report Guidance
- Creation of online resource library with research and tools related to Environmental Benefits
- Legal and technical research to inform the drafting of the Guidance

2023 Year in Review: Review of Definitions

EJ Focus Population Definition

- Info Sheets and Briefing on current EJ Focus Population definition in VT EJ Law and considerations for reviewing / refining the EJFP definition provided to IAC and AC members by staff from Department of Environmental Conservation
- List of additional research and information needed generated
  - Guide to access VT statutes / EJ Law history provided by ANR Legal Counsel
- Agreement to wait until December 2024 to potentially propose revisions to the current definition of EJ Focus Population in statute

Break-out group discussion prompts

Step 1: Each person take **3 minutes** to jot down initial reactions to three prompts:

1. what do you think was our most important accomplishment this year?
2. what is the most significant challenge we face(d) to implementing the EJ Law successfully?
3. Envision one thing we could do to strengthen our efforts next year

Step 2: Take **12** minutes to compare notes in your small group and discuss.

Choose one accomplishment, one challenge, and one vision for 2024 to share back to the group

Step 3: Group report-backs (**5 minutes total; 1 minute per group**)

10:15-10:25: Public Comment

2024 Roadmap

- Recalibration of due dates – seek consensus on proposal
- Establishing task groups – seek consensus on proposal / sign-ups
- 2024 meeting approach – discussion

Key Activities in 2024

March 15: Civil Rights Reports: due from Covered Agencies

May 15: Advisory Council provides Covered Agencies with written recommendations on how to respond to issues identified in Civil Rights Reports

July 1: Final adoption and release of Core Principles to Covered Agencies (requires 45-day public comment period as guided by Community Engagement Task Group)

Oct 31: Final adoption of Guidance for Agency Environmental Benefit Spending Reports by ANR, with AC consensus (must also go through 40-day public comment period)

Dec 1: Submit any suggested changes to the EJFP definition to the State Legislature

Dec 1: Finalize scope of work for EJ Mapping Tool development contract

Approach to 2024 Meetings

- January – March: Laying Groundwork (ANR)
  - EJ Coordinator hiring and onboarding
  - Identify facilitation plan for future public meetings
  - Support Covered Agencies with Civil Rights Reporting requirement

- January – March: Task Group Meetings
  - Begin meeting, clarifying scope of work and approach, developing recommendations

- April – December: Recurring monthly IAC and/or AC Public Meetings
  - Agendas should facilitate completion of key activities identified on prior slide
  - Explore hosting meetings regionally, in partnership with community-based organizations, with focus on hearing directly from EJ focus populations in that region.

11:40 – 11:50: Public Comment

Next Steps

- Task Groups empowered to begin meeting –
  - cc anr.ejcoordinator@vermont.gov on all related correspondence

- January: Planning for Civil Rights Reports (due from covered agencies on March 15th)
  - What information / guidance do covered agencies need?
  - What do AC members need to respond meaningfully?
  - Webinar opportunity on Colorado's complaint system

- Calendar invitations for recurring meetings forthcoming