

**OREGON ENVIRONMENTAL JUSTICE
TASK FORCE**

2014 Annual Report

Task Force Membership

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Appendices

Meeting Summaries

Best Practices Handbook

Cultural Competency and EJ Package

Agency Reports

Governor Kate Brown
160 State Capitol
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Governor Brown,
The 2014 Oregon Environmental Justice Task Force report serves as a yearly brief to the Governor and natural resource agencies on Environmental Justice in the State of Oregon pursuant to ORS 182.538 (2).

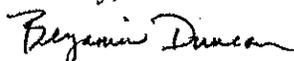
The OEJTF recognizes the importance of taking a more proactive role within our authority under ORS 182.535 et al, specifically in supporting agencies in the requirement to “consider” EJ issues in “deciding whether and how to act,” and in the conducting of disparate impact analysis to ensure that all Oregonians, including minority and low income communities, tribal communities and other communities traditionally under-represented in public processes, have equal protection from environmental health hazards and meaningful participation in decisions that affect the places where they live, work, practice spirituality, and play.

In support of this statutory directive, the OEJTF recommends:

1. Each agency adopt and implement the *Cultural Competency and Environmental Justice Package* to support performance and job descriptions for staff that reflect an understanding of Environmental Justice and builds ongoing professional development into expectations.
2. Each Natural Resource Agency, by January 2016, provides a report on their use and implementation of the “Environmental Justice Best Practices Handbook” to the OEJTF.
3. Natural Resources Agencies, with support from OEJTF and the Governor’s Natural Resource Office, assess the capacity and resources dedicated to Citizens Advocate Positions.
4. The Governor’s Natural Resource Office support and participate in the first ever EJ Data Symposium

Environmental Justice reflects the values of Oregon. Accessible democracy requires that those who are most impacted by decisions of government have meaningful participation in proposing outcomes. The OEJTF applauds the efforts of agencies where they have made progress in developing stronger data analysis, conducted outreach and engaged communities, and developed internal policies and support legislation that will help achieve Environmental Justice in Oregon.

Sincerely,



Ben Duncan

Chair, Oregon Environmental Justice Task Force

Environmental Justice is equal protection from environmental and health hazards and meaningful public participation in decisions that affect the environment in which people live, work, learn practice spirituality, and play. "Environmental Justice communities" include minority and low income communities, tribal communities, and other communities traditionally underrepresented in public process.

This Task Force is charged with advising the Governor and natural resource agencies on environmental justice issues, and to meet with environmental justice communities to ensure appropriate recommendations to the Governor on how to respond to community concerns. In effectuating these duties, this Task Force assists the natural resource agencies in their efforts to institutionalize environmental justice into their daily practices, and to assist in defining environmental justice issues across the State.

The natural resource agencies identified by ORS 182.535 include: Department of Environmental Quality, Department of State Lands, Water Resources Department, Department of Geology and Mineral Industries, Department of Human Services, Department of Agriculture, Public Utility Commission, Department of Forestry, State Fire Marshal, Oregon Department of Transportation, Department of Land Conservation and Development and Department of Fish and Wildlife. The Task Force also seeks to involve other agencies on a voluntary basis, including Department of Education, Oregon OSHA, Department of Housing & Community Services, Department of Administrative Services, and ODM.

OEJTF Strategic Planning Retreat and Workplan

2014 saw the OEJTF engage in its first retreat, focusing on statutory charge and the history of EJTF, identity and purpose, expectations for agencies, and development of a workplan. The OEJTF recognized some achievement, but largely found consensus that a more proactive approach to support and challenge agencies to advance strategies that support EJ competency, public outreach and engagement, and allocate resources to citizen advocate positions.

Members examined the statutory language of ORS 182.535 et al., and identified our scope of authority and where we additional room to advance EJ across the state. Specifically, OEJTF must be more proactive in assisting NR agencies to identify EJ communities that may potentially be adversely impacted by agency actions, and to meet directly with those communities in order to properly advise the Governor's office. While there is a need for continued focus on public participation and outreach, there was agreement that, insofar as the statute requires agencies to "consider" EJ issues in "deciding whether and how to act," agencies are required to conduct a disparate impact analysis (or a substantially similar analysis) in order to fulfill this requirement. Members identified as a concern the failure of agencies to fully staff Citizen Advocate positions to meet the duties pursuant to ORS 182.545(4).

Identity and Purpose of OEJTF:

There was informal consensus that OEJTF should view the statutory directive as a floor, not a ceiling, and to not be limited by the statute where additional advocacy and efforts are necessary and warranted. OEJTF should establish the direction for EJ across the state and serve as a bridge between state agencies and communities, while fulfilling our responsibility to advise the Governor and NR agencies on the EJ issues of importance and how to better advance EJ in daily programs and activities. There was informal consensus that stronger relationships with and representation from communities of color and rural communities were needed, as well as the need to hold TF and community meetings across the state. *Ex officio* membership was one idea identified as possibility to help train next generation of EJ advocates.

Expectations for Agencies:

Members discussed concern about being spread too thin across many agencies, some with limited/inconsistent EJ intersections, and whether a strategy of focusing on the “big” agencies was preferable and the OEJTF reached consensus that ODEQ and ODOT needed increased attention and that it is critical to have them model for other agencies. Members want Citizen Advocates be competent in EJ principles and practice, and that OEJTF should have direct communication lines with agency reps. Top short-term priorities are to follow through with adoption of cultural competency language in managerial job descriptions and evaluations along with facilitating a summit for agencies to advance demographic overlay techniques and best practices (in conjunction with release of “best practice” handbook).

Conclusion

The Task Force would like to thank Governor Brown in advance for her support on Environmental Justice issues. We look forward to working with the Governor’s Office and Natural Resource Agencies to advance the principles and practices of Environmental Justice, and ensure that the impacts of environmental decision-making has shared benefit and burden for all of our communities.

Department of Environmental Quality

Annual Report to the Environmental Justice Task Force and Governor

Submitted to:

**Environmental Task Force
Governor John Kitzhaber**

Submitted: January 2015



State of Oregon
Department of
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*DEQ is a leader in restoring,
maintaining and enhancing
the quality of Oregon's air,
land and water.*

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Alternative formats (Braille, large type) of this document can be made available.

Contact DEQ, at

503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696.

Annual Report to the Environmental Justice Task Force and Governor

Oregon Department of Environmental Quality

January 2015

The Oregon Department of Environmental Quality is committed to the principles of environmental justice and ensuring that the agency's actions address the interests of Oregon communities, including minority, low-income and other traditionally underrepresented communities, as much as state and federal laws allow. DEQ greatly appreciates the leadership and partnership of the Environmental Justice Task Force on these important issues, and we look forward to continuing to work with the Task Force in 2015 to improve the state's ability to ensure environmental justice.

Senate Bill 420 (Oregon Revised Statutes 182.535-182.550), which took effect in January 2008, created new requirements for DEQ and other state agencies as noted below.

182.545 Duties of natural resource agencies. In order to provide greater public participation and to ensure that all persons affected by decisions of the natural resource agencies have a voice in those decisions, each natural resource agency shall:

- (1) In making a determination whether and how to act, consider the effects of the action on environmental justice issues.
- (2) Hold hearings at times and in locations that are convenient for people in the communities that will be affected by the decisions stemming from the hearings.
- (3) Engage in public outreach activities in the communities that will be affected by decisions of the agency.
- (4) Create a citizen advocate position that is responsible for:
 - (a) Encouraging public participation;
 - (b) Ensuring that the agency considers environmental justice issues; and
 - (c) Informing the agency of the effect of its decisions on communities traditionally underrepresented in public processes.

182.550 Reports by natural resource agencies. All directors of natural resource agencies, and other agency directors as the Governor may designate, shall report annually to the Environmental Justice Task Force and to the Governor on the results of the agencies' efforts to:

- (1) Address environmental justice issues;
- (2) Increase public participation of individuals and communities affected by agencies' decisions;
- (3) Determine the effect of the agencies' decisions on traditionally underrepresented communities; and
- (4) Improve plans to further the progress of environmental justice in Oregon.

This report provides information on DEQ's actions in 2014 in support of these requirements. For more information, please contact Christine Svetkovich, who serves as DEQ's Citizen Advocate and coordinates DEQ's environmental justice activities. Christine can be reached at 503-725-2180 or svetkovich.christine@deq.state.or.us.

While important initial steps have been taken, DEQ is committed to strengthening the agency's ability to identify and address environmental justice issues in Oregon, working in partnership with communities, other government entities, the Environmental Justice Task Force and various stakeholders in the coming years.

As required by ORS 182.550, below is a summary of DEQ efforts to

- (1) Address environmental justice issues;
- (2) Increase public participation of individuals and communities affected by the agency's decisions;
- (3) Determine the effect of the agency's decisions on traditionally underrepresented communities; and
- (4) Improve plans to further the progress of environmental justice in Oregon.

Note: due to the related nature of these points, there is some repetition in the responses below.

1. Addressing environmental justice issues

Over the past year, DEQ has taken important steps to establish a framework for identifying and addressing environmental justice issues in Oregon. A brief summary follows.

- DEQ continued the inclusion of new language regarding environmental justice and cultural competency into performance management materials for DEQ managers. The final language was developed in coordination with the Environmental Justice Task Force Interagency Work Group, the Oregon Department of Administrative Services and other Task Force members and DEQ. DEQ anticipates adding the new language to new manager performance management materials where appropriate, throughout 2015.
- DEQ's Citizen Advocate advised and assisted DEQ staff and managers on environmental justice issues or potential issues in various DEQ programs around the state throughout the year.

In addition, DEQ employees are working statewide on a wide range of issues to protect and improve Oregon's environment and the health of Oregon communities, including minority, low-income and other traditionally underrepresented communities. A few examples follow.

- DEQ is working with local communities to improve air quality by reducing diesel emissions, providing protection to those most at risk from air pollution. Reducing particulates from diesel decreases asthma incidence and lowers risk for lung cancer and cardiovascular disease. In 2013-14, DEQ and its partners, the Columbia Corridor Association and Beyond Toxics, secured several EPA grants to reduce diesel emissions. In Portland, seven older trucks used in freight drayage service were scrapped and replaced with new model, low-emitting and more fuel efficient trucks. So-called

dray trucks make multiple daily trips in heavily urbanized areas, going back and forth transferring cargo from railyard, ports and intermodal terminals to warehouse and distribution centers, all of which are oftentimes located near communities with significant environmental justice concerns. DEQ also helped secure the grant for Beyond Toxics that is specifically targeted to assisting minority businesses acquire advanced diesel exhaust controls on their trucks and to replace a refuse truck that operates predominantly in neighborhood with environmental justice issues in Eugene.

- Representatives from the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of Grand Ronde served as members of DEQ's Toxics Stakeholder Group that helped establish the framework for a comprehensive toxics reduction strategy. Tribal nations are identified as key implementing partners for some of these draft recommended actions. DEQ proposed five toxics reduction actions from the strategy as short-term priorities for implementation. Recent progress on implementing these short-term priorities was presented to Oregon's Environmental Quality Commission in June 2014. These priorities are informed by the Columbia Basin toxics work and by an executive order signed by Governor Kitzhaber in April, 2012 to advance "green chemistry" in Oregon. Significant progress has been made in 2014 to implement several of these short-term priorities. In addition to implementing low toxicity product specifications for the state's janitorial and cleaning supplies contract, DEQ supported the state Department of Administrative Services in developing state purchasing guidelines for all product categories, such as building materials, office furniture and office supplies. These guidelines were adopted as state policy by Oregon's Chief Operating Officer in the summer of 2014. DEQ has encouraged the Columbia River Inter-Tribal Fish Commission and tribal governments in Oregon to consider participating in Oregon's low-toxicity price agreements and adopting the general purchasing guidelines. In addition, DEQ joined with the State of Washington and the Interstate Chemicals Clearinghouse to develop protocols for conducting toxic chemical alternatives assessments to ensure that industries, governments and consumers can identify safer, practical alternatives to priority toxic chemicals.
- DEQ, with input from the Portland Air Toxics Solutions Advisory Committee, used 2017 modeling and demographic data to determine where there are disproportionate impacts from air toxics on low-income and minority populations in the Portland Air Toxics Solutions study area. The study area includes portions of Multnomah, Washington and Clackamas counties. Using four different methods of examining the data, DEQ concluded that low-income and minority communities are disproportionately impacted by higher concentrations of air toxics compared to mid to high income primarily white communities in the Portland Air Toxics study area. The report was finalized in 2012.

Based on modeled risk and feasibility of emission reduction, the Portland Air Toxics Solutions Project identified five high priority emission categories for near term follow up action. The five priority categories are:

- Residential Wood Combustion
- Light Duty Vehicles (mostly gasoline)

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- Heavy Duty Vehicles (mostly diesel)
- Construction Equipment (mostly diesel)
- Industrial Metals Facilities

For efficiency, DEQ plans to take a multipollutant approach to get air toxics reductions from the highest risk categories such as gasoline and diesel engines along with concurrent efforts to reduce greenhouse gases and ozone pollution. Strategies to meet the ozone standard by reducing emissions from light duty vehicles can likewise be designed to reduce air toxics such as benzene. Strategies to reduce greenhouse gases and black carbon emissions from vehicles and fuels can be tailored to reduce benzene and diesel particulate. Metro, city and county health departments are key partners in implementing air toxics reduction strategies.

The reduction of diesel pollution has always been a top priority at DEQ and there has also been a high level of community concern. DEQ plans to conduct a survey to determine the extent and nature of diesel construction equipment use - the highest emitting category. This survey will better characterize diesel pollution problems and help us design the most effective emission reduction strategies.

Through the EJ Analysis associated with the project, DEQ found that the Hispanic/Latino population experienced the highest impacts from residential wood combustion emissions, the Asian population from on-road mobile emissions, the African American/Black population from area source emissions, and the population living below the poverty level from on-road mobile emissions. Non-road mobile emissions also significantly impact minority populations, while point sources disproportionately impact populations living below the poverty level. DEQ plans to factor environmental justice considerations into future strategies to reduce emissions from the priority categories. DEQ has also shared this information with local governments and other entities to help them prioritize efforts to improve public health in their communities.

- In 2014, DEQ contracted with the Portland State University Survey Research Lab to perform a telephone survey about residential wood burning in the Portland metro area. This survey provides more current and refined data about wood burning, with the purpose of providing DEQ and community partners a better understanding of wood burning emissions levels, locations, and the most effective pollutant reduction strategies. The survey results, based on 1,061 residences surveyed, showed that 32 percent of the respondents burned wood in their homes. Five percent of those sampled reported burning wood as their primary source of heat. DEQ will be using this data to develop, implement and support strategies to reduce wood smoke exposure for vulnerable communities in the Portland metro area.

- In addition, DEQ is supporting the efforts in Washington County to address high levels of particulate matter from residential wood burning. Over time, DEQ anticipates efforts could address some of the disparate impacts of particulate in certain areas in Washington County.
- In December 2014, DEQ, in cooperation with Portland State University and Reed College and with approval from the Oregon Legislature, submitted a grant application to EPA titled: Improving Diesel Particulate Matter Exposure Assessment for Vulnerable Populations in the Portland Metro Area. If funded, DEQ will study the public health impacts of poorly characterized diesel emission sources in the Portland Metro area, with particular attention to the potentially significant adverse exposure effects for vulnerable populations, e.g., low-income residents, communities of color, youth and seniors. As noted above, DEQ's environmental justice analysis for air toxics in the Portland Metro area showed that minority and low-income populations are disproportionately impacted by diesel engine exhaust from both on-road and construction equipment. It is likely that there are even more significant exposures for vulnerable populations in close proximity to diesel sources that are not currently characterized – for example, emissions from marine shipping, construction activity, railyards and distribution centers using older vehicles. The results will improve understanding of diesel exposure in the Portland Metro area. Better characterization of these significant diesel emission sources is needed to support health impact analyses, identify appropriate mitigation actions and inform Oregon's current legislative and regulatory policy discussions.

If funded, DEQ will continue collaborating with Portland State University and Reed College on diesel monitoring and emission characterization projects. Both of these institutions have specific faculty expertise and capacity in diesel emissions monitoring that will allow them to take a lead in research and analysis. The project research team and collaborating organizations also have a shared commitment to community engagement and environmental justice goals, and extensive experience in collaborating with community-based intermediaries and advocacy organizations and with a wide range of stakeholder groups, including local neighborhoods, communities of color, business/industry, government agencies, education and health, and various initiatives working to advance air quality science and pursuing complementary objectives and outcomes. DEQ anticipates receiving feedback regarding the grant application during the spring of 2015.

- DEQ's Office of Compliance and Enforcement assesses civil penalties for environmental law violations. Violators are sometimes given the opportunity to offset their monetary penalty by agreeing to pay for a supplemental environmental project. During 2014, the following supplemental environmental projects were approved that are linked to communities that have environmental justice challenges:
 - JELD-WEN, inc. is contributing \$440,000 to the South Central Economic Development District to provide low-income individuals in Klamath Falls reimbursement to replace an uncertified woodstove with an alternative energy-efficient heating unit, and to provide rebates to individuals

in the Chiloquin area reimbursement to install EPA-certified woodstoves or fireplace inserts in lieu of burning wood in a traditional fireplace or to replace an uncertified woodstove with a certified unit. Additionally, a “bounty” program will be set up for Klamath Falls residents to reimburse residents \$250 if they remove an uncertified woodstove but don’t meet the low-income threshold. Exchanging old woodstoves for alternative energy-efficient units, EPA-certified woodstoves or certified fireplace inserts will help to reduce particulate matter emissions in the Klamath Falls airshed. Particulate matter is a health concern and can cause respiratory distress in some individuals. This project is scheduled for completion by August 2016 and will directly serve many low-income communities.

- The Estate of Robert E. Hart contributed \$8,960 to NeighborImpact to help with funding of a food recovery program in Central Oregon. The program keeps solid waste from Central Oregon landfills by recovering primarily perishable food at stores in Bend, Redmond, Sisters, Terrebonne, La Pine, Madras and Prineville, and delivers it to local food banks. This contribution will be used to pay a portion of one of the driver’s salary over an 18-month period and will result in an average increase of 11,000 pounds of food per month over the 18-month period of the project. The project runs from Dec. 1, 2014, through May 31, 2016.
- Brownfields are vacant or underused properties where actual or perceived environmental contamination complicates its expansion or redevelopment. DEQ works with communities, local governments and others on brownfields all around Oregon. During 2014, DEQ was involved in the following brownfields projects that had an environmental justice nexus:
 - Cully Park: During 2014, DEQ continued work on the collaborative effort between the Cully neighborhood, the City of Portland and the Oregon Health Authority, to redevelop the former Killingsworth Fast Disposal landfill site in Northeast Portland into a public park. DEQ and the Oregon Health Authority reviewed soil sampling information associated with three sites that were excavated to determine if the soil was appropriate for import and use as cover and topsoil at Cully Park. The review and approval by DEQ and the Oregon Health Authority of the import of soil to the site was shared with Cully community members, who also approved of importing the soil to the site. DEQ continues to oversee redevelopment activities at the future park, which is tentatively scheduled to open in the winter of 2015-2016.

Duane Street Safeway/Heritage Square: During 2014, DEQ conducted project management oversight of the assessment of the former Duane Street Safeway property in downtown Astoria. The city used funds awarded in a 2012 EPA Brownfield grant to conduct the assessment. These funds will also be used for cleanup planning and cleanup of the property. In May, the city celebrated the opening of the western portion of the Duane Street Safeway site. The “Garden of Surging Waves” commemorates the contribution of Astoria’s early Chinese immigrants to the development of the City of Astoria. In the summer, sampling was conducted on the east and

south side of the site and included soil and groundwater analysis of contaminants associated with previous site operations that involved automobile repair, dry cleaning, newspaper print shop, and grocery store. Based on the sampling results, the City is developing a cleanup plan to address contamination at the site that could pose a risk to human health and the environment. The cleanup is expected to be complete in 2015. Potential redevelopment plans for the south and west portion of the property include mixed-use development incorporating commercial, residential, and open space.

- The Campbell Dry Cleaner site operated in North Portland from 1952 to 1995. Since then, the building has been renovated by a new owner into a ground-floor commercial space that is currently leased to a gift shop operator, and a second floor residential area. DEQ worked with the City of Portland to conduct a preliminary investigation of the property. The investigation included soil and soil vapor sampling and found concentrations of PCE and TCE, chemicals used in the dry cleaning operations, above health-based screening levels for current and likely future users of the property. DEQ determined that contamination at the site posed significant current and ongoing threats to human health and the environment and is using the state's Orphan fund program to conduct additional assessment and cleanup of the property. DEQ anticipates the investigation will be complete in 2015 and cleanup can begin in 2015.
- Since 2012, DEQ has been supporting Groundwork Portland's East Portland Brownfields Initiative to reuse brownfields for community benefit. DEQ provides technical assistance to ensure potential development and reuse possibilities consider past land use activities that may have had an impact on the soil, soil vapor, and groundwater, and that the site is protective of current and future users
- DEQ is working to clean up contaminated lands around the state that pose risks to people's health, many of which exist in low-income and minority communities. Some examples include:
 - Astoria Marine Construction Company: During 2014, DEQ continued to coordinate with representatives from the Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians of Oregon, the Nez Perce Tribe and Yakama Nation to get their review and input into the remedial investigation work at this cleanup site located along the Lewis and Clark River near Astoria, Oregon. This facility was deferred to DEQ by EPA in 2012 for all cleanup work. DEQ's work with the tribes is guided by government-to-government memorandums of understanding between DEQ and these tribes. The major efforts involved in the project during 2014 included:
 - Review and input for reports that summarized investigation of site soils, groundwater, adjacent surface waters and sediments. DEQ requested and received feedback, questions and recommendations from participating tribes on the results of the investigation and

forwarded those comments to Astoria Marine Construction Company and its consulting team.

- DEQ held two meetings with tribes and other participating state and federal agencies to discuss the investigation results and how to guide the project and further investigation work based on those results.
 - DEQ worked with the tribes to review the draft work plan for the next phase of the investigation, which includes additional sampling. DEQ received comments and questions from the tribes that guided revisions to the work plan to Astoria Marine Construction Company and its consultants. DEQ approved the next phase of field work in November 2014.
 - DEQ also participated in two meetings with the tribes and other federal Natural Resource Trustees that were intended to initiate discussions for the Natural Resources Damages Assessment process.
 - DEQ will continue to consult with tribal governments to ensure that tribal concerns are considered in future site investigation and cleanup actions at the marine facility located on the Lewis and Clark River in Astoria, Oregon.
- Portland Harbor Superfund Site: EQ works closely with six tribal governments on the Portland Harbor Superfund Site and the McCormick & Baxter Superfund Site. The Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs, Yakama Nation, and Nez Perce Tribe are partners in these projects.
 - Coos Head Air National Guard clean-up site: DEQ continued working with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians on cleanup projects at the Coos Head site, which was acquired by the Tribes in 2005. The site was formerly owned by the federal government, which is responsible for paying costs associated with cleaning up the site to industrial standards. DEQ is overseeing the work being done by the Air National Guard, the U.S. Navy, coordinating with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians and the Bureau of Indian Affairs to complete the cleanup work at the site as quickly as possible. Much of the site has already been remediated. A Record of Decision that selects the remedy for the site was signed in September 2012. A building which lies on a source area for contamination was removed in September 2012. Approximately 3,200 cubic yards of contaminated soils at the site were removed in July and August 2013. DEQ issued a partial No Further Action for soils at the site in December 2013. Groundwater work continues, and

additional groundwater wells were installed to clean up contaminated groundwater during the same timeframe and will be removed once the appropriate cleanup levels are met.

DEQ also worked extensively with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians regarding the planning and active removal activities associated with an asbestos abatement project at the Coos Head National Guard site. The asbestos-containing material was paint, which was applied to the exterior walls of all eight remaining buildings. In order to control costs, the tribe sought alternative disposal options, as the exterior walls were heavily reinforced to provide protection against exploding armaments and projectiles. The thick concrete walls and heavy gauge rebar would have required scores of trucks to haul the asbestos-containing material hundreds of miles for proper disposal. In addition to the tipping fees and trucking costs, the diesel fuel required for transporting this material would have resulted in a significant carbon footprint.

In order to achieve the Tribes' disposal cost goals and maintain compliance with the DEQ's asbestos rules, a paint stripping method was devised. This method was ultimately achieved through several iterations of sampling and visual inspections. This process required the active participation of tribal representatives, their consultant, and their chosen asbestos abatement contractor.

- North Ridge Estates: North Ridge Estates was added to the National Priorities List, known as Superfund, after DEQ nominated the project in September 2011. North Ridge Estates is a residential subdivision located approximately three miles north of Klamath Falls, Oregon. The site is contaminated with asbestos-containing materials resulting from the demolition of approximately eighty 1940s-era military barracks buildings. EPA is the lead agency for the project, but works closely with DEQ. The federal government approved funding to perform remedial actions at the North Ridge Estates Site in March 2014. EPA is expecting to start on-site work no later than May 2016. As the project progresses, there will be continued coordination between the state and federal agencies, the Klamath Tribes, and the State Historic Preservation Office.
- During mid-2013, DEQ embarked on a pilot project using EPA Site Discovery funds to identify and then assess former dry cleaners in the Portland Metro region and Clatsop, Tillamook and Columbia counties. DEQ has limited information about historic dry cleaner operations and waste disposal practices in these north coast counties. DEQ's dry cleaner program began regulating existing dry cleaners in 1995. Dry cleaning chemicals and their related breakdown products can persist in site soil or soil gas at concentrations that can pose a risk to human health long after operations cease.

To target the most critical sites, DEQ prioritized location of sites in vulnerable areas; including

high poverty areas, vulnerable populations and drinking water protection areas. DEQ focused on two areas within the region: Tillamook County and East Portland. DEQ reviewed phone directories at the Multnomah County Library and Tillamook County Historical Society as well as information from the City of Portland. From this work, DEQ found approximately 40 historic dry cleaners near 82nd Avenue in Portland that are not currently involved with the DEQ dry cleaner program or reviewed under the cleanup program. Similarly, approximately six historic dry cleaners in Tillamook County were unknown to DEQ.

During discovery, DEQ reached out to partner with local agencies and community groups to gauge interest in discussions in historic dry cleaner assessment. Discussions occurred with city of Tillamook, Tillamook Chamber of Commerce, DEQ Regional Solution Teams, City of Portland Brownfields, Oregon Health Authority and Groundworks Portland. These groups helped DEQ decide which sites to screen using EPA funding. Five sites in Portland and two sites in Tillamook County have been identified for screening. In addition, the East Portland group is continuing conversations and strategies on how to address future environmental concerns with historic dry cleaners.

An early success of the project includes one former dry cleaner in Tillamook. The expansion and realignment of Highway 6 and Highway 101 through downtown Tillamook will displace a number of commercial businesses. The former dry cleaner building was identified as a relocation area for businesses that will be displaced. The City of Tillamook received brownfield funding from EPA to assess the former dry cleaner for historical contamination.

- Senate Bill 838 passed during the 2013 legislative session, and addressed the regulation of motorized placer mining in Oregon. The bill requires the Governor's Office to present recommendations for regulating both suction dredge and upland placer mining activities to the Oregon Legislature by November 2014. The recommendations are to be developed in consultation with a specified list of stakeholders, including tribes, and will address a variety of environmental, social and cultural issues.

DEQ was part of the state agency team that assisted the Governor's Office with convening a stakeholder committee to discuss potential recommendations for regulating mining activities. That committee met seven times in 2014. In parallel with those meetings, DEQ worked with the Governor's Office, the Department of State Lands and the State Historic Preservation Office to meet several times with tribal natural resources and cultural resources representatives to obtain input on recommendations for addressing cultural resource protection and other tribal interests. Those discussions were extremely useful and resulted in, among other things, a recommendation to incorporate a cultural resources review into the permitting process.

- During 2014, DEQ's Statewide Toxics Monitoring Program completed its sampling rotation of all basins around Oregon. Throughout this effort, DEQ collected water, fish and sediment samples. As

part of this on-going effort, tribal representatives assisted DEQ with site selection and planning activities. DEQ is working on a report of the data and has started sharing the data. As part of this outreach effort, DEQ presented a summary of the water results at the 2014 Oregon Tribal Environmental Forum meeting held in Pendleton, Oregon, in October 2014. DEQ will continue to provide information as it becomes available. This data may be useful for tribal representatives as they develop action plans for tribal lands. DEQ will also continue to engage with tribal representatives during the planning process for the continuation of the statewide toxics monitoring work.

2. Increasing participation of individuals and communities affected by the agency's decisions

DEQ has taken a number of steps in the past year to increase participation of individuals and communities affected by the agency decisions.

- DEQ's external EJ web page (<http://www.deq.state.or.us/about/envjustice.htm>) invites community members to contact DEQ's Citizen Advocate to share information about how DEQ's actions and decisions affect Oregon communities and to raise questions or concerns related to EJ issues. DEQ's Citizen Advocate receives and responds to questions, concerns and information from community members on an ongoing basis and assists the agency in exploring options to address EJ issues.
- DEQ's internal EJ web page provides guidance to agency employees on how to identify and reach communities that maybe affected by the agency's decisions, with a focus on at-risk and low-income, minority communities.
- During March, 2014, DEQ's Northwest Region Administrator participated in an EPA-sponsored Clean Air Act rulemaking and permitting for EJ Communities training in North Carolina. DEQ presented during a panel discussion titled, "How to work effectively with states and industry on facilities permits." DEQ shared lessons learned in Oregon as well as learned many tips and tools from other participants and speakers at the conference.
- DEQ's Citizen Advocate advised and assisted DEQ staff and managers on environmental justice issues or potential issues in various DEQ programs.
- DEQ continues to build stronger relationships with tribal nations on a government-to-government basis to consult on how potential agency actions may affect tribal interests and to explore opportunities for greater state-tribal partnership. More information about DEQ's work with tribal nations is available in DEQ's 2014 Annual Government-to-Government Report on Tribal Relations (<http://www.deq.state.or.us/programs/tribal/>).
- DEQ is committed to including Oregonians in all aspects of the agency's decision making, including advisory committees and workgroups that frequently assist in developing state environmental rules. These groups provide vital information and expertise to help DEQ make good decisions and are important links to communities and individuals that may be affected by the agency's actions. DEQ's web page, <http://www.deq.state.or.us/committees/advisorycommittees.htm>, provides a list of current advisory committees and workgroups and includes opportunities for citizens to apply to volunteer as

a committee member.

- Current DEQ policies require holding public meetings at times and in locations that are convenient for potentially-affected community members to attend and this is DEQ's practice for all public information meetings and hearings statewide. For decisions related to environmental permitting, DEQ policies require greater levels of public involvement for more significant permits and DEQ often consults with local leaders in selecting meeting locations familiar to local residents, such as schools and community centers.

3. Determining the effect of the agency's decisions on traditionally underrepresented communities

DEQ managers and staff work on a case-by-case basis, and with the assistance of DEQ's Citizen Advocate when needed, to determine the effect of the agency's decisions on traditionally underrepresented communities. Actions taken in the past year have provided additional tools and guidance for doing this.

- DEQ's internal EJ web page provides guidance to agency employees on how to identify and reach communities that may be affected by the agency's decisions, understand community interests, and facilitate greater involvement in DEQ decision-making.
- DEQ developed a statewide Toxics Reduction Strategy to reduce toxic pollution to Oregon's air, water and land, which may have a disproportionate effect on the most vulnerable communities. One of the criteria used to evaluate possible toxics reduction actions is impacts on vulnerable communities.
- DEQ's on-line EJ training for DEQ staff statewide includes a discussion on this topic.
- DEQ continues to build stronger relationships with tribal nations on a government-to-government basis to consult on environmental issues and determine the potential effect of agency decisions on tribal communities. More information about DEQ's work with tribal nations is available in DEQ's 2012 Annual Government-to-Government Report on Tribal Relations (<http://www.deq.state.or.us/programs/tribal/>).
- DEQ has been working closely with EPA regarding the use and dissemination of EPA EJ Screen tool for states and the public. DEQ looks forward to using the tool in many of its program areas when it is available.

4. Improving plans to further the progress of environmental justice in Oregon

Throughout 2014, DEQ's Citizen Advocate participated in a national workgroup to develop specific strategies to advance EJ principles through some of EPA's programs in support of EPA's Plan EJ 2014, specifically as it relates to states.

During 2014, DEQ's Citizen Advocate participated in multiple meetings regarding Oregon's opportunities for using EPA's tool, EJ Screen, when it is available for public as well as the public rollout plan.

2014 Annual Report to the Environmental Justice Task Force & Governor

DEQ enters into a Performance Partnership Agreement every two years with the federal Environmental Protection Agency regarding Oregon's work to implement federal environmental laws and policies. The following list is the efforts DEQ has committed to in 2014-16, to further the progress of EJ in Oregon:

- Ensuring that all Oregon DEQ employees, where appropriate, take the on-line EJ training;
- Collaboration with EPA and other states to share information about current EJ issues, activities, and events applicable to Oregon;
- Participation and working with EPA on any national or regional EJ efforts or initiatives as resources allow;
- Working with EPA to develop EJ trainings for specific Oregon DEQ programs as needed;
- Exploring opportunities to focus Supplemental Environmental Project funds resulting from civil penalties for environmental law violations in environmental justice communities;
- Incorporating EJ and cultural competency expectations in Oregon DEQ manager position descriptions and performance management materials where appropriate;
- Ensuring compliance with Title VI of the Civil Rights Act of 1964. This includes participating in EPA sponsored training and/or guidance to help achieve compliance with Title VI;
- Developing a Limited English Proficiency guidance for Oregon DEQ;
- Once EPA's EJ Screen is available publically, DEQ will develop and implement a plan to ensure appropriate outreach is conducted associated with DEQ decisions in communities that are identified as having potential environmental justice issues. This plan will outline enhanced public participation actions, consider limited English proficiency, traditional or cultural needs, and ensure early engagement and information exchanges. Ultimately, the plan will be implemented by and tailored to all of DEQ's environmental programs related to adopting rules, making permit decisions, awarding grants and loans, overseeing cleanup activities, and conducting enforcement actions. The plan will include outcome-based measurements.
- Strive to diversify Oregon DEQ's advisory committees and workgroups as much as possible, including, but not limited to, participants representing environmental justice issues. And;
- Ensuring engagement with EJ stakeholders in future PPAs in consultation with Oregon's Environmental Justice Task Force

If additional funding for EJ work in Oregon is available and awarded, Oregon DEQ would use it for the activities below:

- Implement recommendations in Oregon DEQ's statewide Toxics Reduction Strategy to reduce toxic pollution to Oregon's air, water and land, which may have disproportionate effects on environmental justice communities.
- Implement recommendations from the Portland Air Toxics Solutions Recommendations that address Environmental Justice communities as determined by the Environmental Justice Analysis conducted for the project.

2014 Annual Report to the Environmental Justice Task Force & Governor

Again, while important initial steps have been taken, DEQ is committed to strengthen the agency's ability to identify and address environmental justice issues in Oregon. DEQ looks forward to continuing to work with the EJ Task Force, community members, other government agencies and stakeholders in this effort over the coming years.

Oregon Department of Transportation

Title VI/Environmental Justice/Americans with Disabilities Act

Within the

Oregon Department of Transportation

Department of Transportation (ODOT)

The Oregon Department of Transportation is a recipient of Federal financial assistance. As a sub-recipient, the agency is required to comply with certain nondiscrimination laws and regulations. The primary federal nondiscrimination regulation governing the agency is Title VI of the Civil Rights Act of 1964 (Title VI). Title VI states:

“that no person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.”

Environmental Justice (EJ) directives also stem from Executive Order 12898, Department of Transportation (DOT) Environmental Justice Order 5610.2, and the EJ policy expressed in the Oregon Transportation Plan. Each of these guidelines task the state transportation agency with a responsibility to integrate environmental principles into planning and programming efforts and require that steps be taken to prevent disproportionately high and adverse effects on minority and low-income populations through Title VI and EJ analyses. This means that an agency obligation exists to ensure the negative effects of transportation projects do not disproportionately impact traditionally underrepresented populations.

Title II of the Americans with Disabilities Act (ADA) provides that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” The goal of the ADA is to ensure nondiscrimination and access for individuals with disabilities.

All public entities, regardless of whether they receive federal funding, are subject to Title II of the ADA (Title II). ODOT, a state agency, meets the definition of a public entity within the meaning of Title II and therefore is subject to the requirements of Title II, 42 U.S.C. § 12132, and its implementing regulation, 28 C.F.R. Part 35.

The primary purpose of the Federal Highway Administration’s (FHWA) ADA program, and the Oregon Department of Transportation’s participation, is to ensure that pedestrians with disabilities have an equal opportunity to use the transportation system in an accessible and safe manner. As part of this regulatory responsibility under Title II and §504 of the Rehabilitation Act of 1973 (§504), FHWA ensures that recipients of Federal aid and State and local entities that are responsible for roadways and pedestrian facilities do not discriminate on the basis of disability in any highway transportation program,

activity, service or benefit they provide to the general public; and to ensure that people with disabilities have equitable opportunities to use the public rights-of-way system.

How does the Office of Civil Rights Respond to Title VI and EJ:

Title VI matters raise EJ concerns. Therefore, Title VI and EJ principles should be considered jointly. ODOT's Office of Civil Rights (OCR) is responsible for ensuring that the agency's Title VI nondiscrimination and EJ policies are incorporated throughout each of the transportation project delivery phases. Furthermore, the Title VI Team manages the formal discrimination complaint process, reviews allegations, and conducts investigations pertaining to discrimination.

Implementation:

Recipients of federal funding are responsible for implementing EJ requirements. At a minimum, the agency should identify minority and low-income populations and have procedures in place for involving these populations in the transportation decision-making process. Consistent with this responsibility, ODOT gathers this information using Census data and maps EJ populations using GIS software. ODOT further captures EJ information in Part 3 of the NEPA documentation and in the Project Close-out form.

The Planning, Environmental, and Right-of-Way program areas require an effective public participation process. ODOT has developed guidance and policy documents, such as the Title VI Implementation Plan and maintains an agency-wide Public Participation policy for use in evaluating EJ issues in transportation projects. Moreover, OCR drafts a yearly Accomplishments Report that summarizes the implementation of the Title VI and EJ principles that occurred throughout the year.

One way to ensure that EJ considerations are being conducted is through the performance of Internal Program Area Process Reviews. Special Program Area survey reports were distributed to the following areas; Planning, Environmental, Safety, Project Selection/Design, Right of Way, Research, Construction/Contracts, Education and Training, and Administration. The surveys draw out critical EJ and Title VI information on projects, public participation, training, guidance documents, implementation of Title VI and EJ in to the day to day processes of program operations, data collection and any upcoming changes to the program in the areas of consideration.

The VI Program Manager is currently developing an internal review process and will begin a schedule of Internal Reviews in 2015. Internal reviews will take the place of extensive survey questions in the future. Only critical questions will be sent to program areas for feedback and training needs, guidance and for inclusion within required reports.

Highlights for 2013-2014:

A review of the Oregon Metropolitan Service District (METRO) was conducted. A final compliance report was generated and provided to the MPO with high marks and a few

suggestions to enhance their Title VI Non-Discrimination Program. Metro was able to put together a data collection methodology that can serve as an example to other agencies.

Work began between the Planning and Environmental program areas to strategize a more efficient means of gathering data for the Annual Accomplishments Report survey questions. The surveys are distributed annually to all Special Program areas. The outcome of the collaboration between programs is that the questions will be pared down to gather the most meaningful data and in a user friendly manner. A suggestion is that the questions being posted to the OCR website throughout the year will allow program staff to focus on critical elements through the year and not just during reporting. Staff will also be able to fill in the survey questions as data and information become available. Another highlight within this reporting period is that of the The Planning Programs Coordinator working with a consultant to put together a guidance document for the Planning program area. The guidance addresses Environmental Justice and Title VI implementation within the Planning program area. The document was approved by the Planning Business Leadership Team (PBLT). There is still some work to do in the methodology and data collection section that will be addressed at a later date.

The Title VI Program Manager(s) began meetings with OPAL and looking at ways to bring meaningful training on EJ compliance to ODOT as well as brainstorming on mapping tools and methodology. The staff also serves as agency representatives to the Environmental Justice Task Force (EJTF). During the EJTF meetings agency staff gives updates on goals and accomplishments and also reports on an annual basis to the Task Force Chair for completion of the Oregon Governors Environmental Task Force Report.

Working towards a state-wide methodology for ODOT has been a major focus for the Title VI Program. A team has been put together that includes Planning, Trans Data and Civil Rights Management staff. An initial data collection tool was completed but does not capture data at a level that is sufficient for the Planning program area staff to make the best use of it. The refinement of this tool will continue in 2015.

The Title VI Program Manager was involved in bringing training to ODOT staff at meetings and formal training such as the Region 1 Managers Academy, Right of Way Symposium and (PBLT). Title VI staff took part in the Metro Area Title VI Workgroup that provides avenues for training and information surrounding Title VI and Environmental Justice.

Oregon Department of Fish and Wildlife



Oregon

Kate Brown, Governor

February 24, 2015

Department of Fish and Wildlife

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Mr. Benjamin Duncan, Chair
Environmental Justice Task Force

Ms. Gabriela Goldfarb, Natural Resources Policy Advisor
Natural Resources Office
Governor's Office
Salem, OR 97301



Dear Mr. ^{Ben} ~~Duncan~~ and Ms. ^{Gabriela} ~~Goldfarb~~,

Thank you for the opportunity to work with the Oregon Environmental Justice Task Force. To comply with the reporting requirements of ORS 182.550 I have attached a short summary document. Also in meeting the requirements of ORS 182.545, I will continue as our agency's citizen advocate.

If you have any questions or need additional information, please feel free to contact me at 503-947-6044.

Sincerely,

Curtis E. Melcher
Director

Oregon Department of Fish and Wildlife
February 2, 2015

The Oregon Fish and Wildlife Commission (Commission) and the Oregon Department of Fish and Wildlife (ODFW) strive to maintain an excellent working relationship with Oregon's federally recognized Indian Tribes. We meet regularly with tribal representatives as we develop policy and regulations that impact tribal members and tribal interests. We work closely with the Legislative Commission on Indian Services and are members of both the Natural Resources Cluster and the Cultural Resources Cluster.

The Commission adopts Oregon Administrative Rules (OARs) for fish and wildlife management. The Commission meets 10-12 times annually, at least once in each congressional district. Consistent with state and federal law, all meetings are open to the public with opportunity for verbal and written testimony. The public process is further enhanced by way of regular receptions, field tours, and workshops that are open to the public. These venues provide additional opportunities for interaction with Commissioners in an informal setting.

A critical component of the formal rule making processes is public outreach. Agency staff conduct extensive outreach activities in communities across the state as rules and policies are formulated. For example, prior to setting annual big game regulations ODFW staff hold 25 meetings (one in each of the wildlife districts) to discuss species population status and develop harvest regulations. Fishing regulations are developed similarly with public meetings held around the state to gather local comments and perspectives prior to the formal Commission rulemaking.

Despite our efforts to hold public meetings at convenient locations around the state, the Department recognizes the difficulty reaching some communities with traditional meetings. We have been experimenting with a web based approach to some public meetings and have been utilizing additional human dimensions surveys to help inform our decisions. We conducted extensive surveys on our license and fee structure, the Commission process for hiring a new director, and to understand hunter and public attitudes toward the use of lead (Pb) ammunition in hunting.

We develop our biennial agency budget proposal based on recommendations from a 50 member External Budget Advisory Committee (EBAC) and gather additional public input through a series of 8-10 town hall meetings held around the state. The EBAC and public process helps us prioritize agency programs and focus resources in areas of most interest to affected constituents.

The Commission and ODFW continue to rely on a lengthy list of citizen based volunteer advisory boards, task forces, and committees to help develop policies, budget priorities, and regulations. Some are mandated in Oregon Revised Statute, some in OARs, and some are ad hoc.

Since 2012, we have partnered with the Legislative Commission on Indian Services to provide cultural resources training sessions to our field biologists at our annual meetings. This will help them identify, report, and protect important cultural resources that are encountered in their regular natural resource management duties.

**Department of Land
Conservation and
Development**

December 2014

DLCD Year-End Agency Report for the EJTF:

How does your agency make efforts to address environmental justice issues?

DLCD and the Statewide Planning Program have implemented environmental justice measures since the inception of the program in the early 1970s.

Specific implementation takes place in the form of:

1. The Statewide Planning Goals
2. Citizen involvement programs and policies, and
3. State Agency Coordination programs

The foundation of the program rests on 19 Statewide Planning Goals. Goal 1 is Citizen Involvement. In short, Goal 1 requires local governments:

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process.

Further, the local citizen involvement program must incorporate the following components:

1. Citizen Involvement: To provide for widespread citizen involvement.
2. Communication: To assure effective two-way communication with citizens.
3. Citizen Influence: To provide the opportunity for citizens to be involved in all phases of the planning process.
4. Technical Information: To assure that technical information is available in an understandable form.
5. Feedback Mechanisms: To assure that citizens will receive a response from policy-makers.
6. Financial Support: To insure funding for the citizen involvement program.

The concepts of environmental justice are also incorporated in Goals 10 (Housing) and 12 (Transportation). Goal 10 says: "To provide for the housing needs of citizens of the state," and "...plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density." Please also see:

<http://www.oregon.gov/LCD/docs/goals/goal10.pdf>

Goal 12 begins by saying: "To provide and encourage a safe, convenient and economic transportation system." The goal considers "all modes of transportation," "the differences in social consequences that would result from utilizing differing combinations of transportation modes," "minimize adverse social, economic and environmental impacts and costs," and "meet the needs of the transportation disadvantaged by improving transportation services." Please also see:

<http://www.oregon.gov/LCD/docs/goals/goal12.pdf>

DLCD also addresses environmental justice through the Land Conservation and Development Commission's (LCDC) *Citizen Involvement Guidelines for Policy Development* (CIG), the Citizen Involvement Advisory Committee (CIAC), and the State Agency Coordination program (SAC).

1. The CIG requires DLCD work groups and LCDC advisory committees to have at least one "citizen" who is "charged with determining and representing the very broad interests of citizens in general rather than the interest of any particular person or group that may otherwise advocate for or against a policy proposal."
2. The CIAC, which meets every two weeks, advises LCDC on issues pertaining to citizen involvement. CIAC has recently (May, 2008) updated *Putting the People in Planning* and held 11 "education and outreach" meetings around the state since 2004.
3. DLCD also works with other state agencies through State Agency Coordination (ORS 197.180). Each coordination program outlines the steps a state agency must take to comply with the Statewide Planning Goals and local comprehensive plans. Thus, state agencies are bound to Goal 1.

How has the agency worked to increase public participation of individuals and communities affected by agencies' decisions?

As yet, the agency has followed current practices outlined above more than we have looked to improve our efforts.

How have you worked to determine the effect of agency decisions on traditionally under-represented communities?

The Department of Land Conservation and Development (DLCD) makes decisions that may have impacts on environmental justice issues in specific locations in Oregon and statewide. When adopting rules, reviewing local land use decisions, and performing outreach and education, DLCD considers impacts, or potential impacts, as they relate to environmental justice. We work with stakeholder groups to understand various affected interest group positions and use a consensus based discussion and decision making process to create equitable outcomes in rulemaking.

How has the agency improved plans to further the progress of environmental justice in Oregon?

DLCD plans to note specific places in our upcoming Way and Means Presentation where environmental justice would apply to current budgetary allocations.

The agency is also in the process of adopting a new Strategic Plan to guide our work over an eight year timeline. The new Strategic Plan includes the development of a communications program that will create more accessible, understandable, and timely information on program fundamentals, proposed changes, and issues that have potential impact for the environmental justice community.

Report on details of agency funding/budget commitments to EJ Task Force Liaison.

None.

Report on agency plan and timeline for implementing EJTF “EJ Packet for Agencies”. *If you have identified sticking points with adoption (and adaptation), raise those issues in advance of the next meeting to resolve them by the next meeting.*

Timeline still in development and anticipates the addition of new GIS trained staff members who will be better able to visualize, analyze, and local areas of demographic interest.

Sadie K Carney | Rural Policy Analyst/Communications Manager
Director’s Office
Oregon Dept. of Land Conservation and Development
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Direct: (503) 934-0036 | Cell: (503) 383-6648 | Main: (503) 373-0050
sadie.carney@state.or.us | www.oregon.gov/LCD/

Water Resources Department



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
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(503) 986-0900
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March 6, 2015

Ben Duncan, Chair
Environmental Justice Task Force
Multnomah County Office of Diversity and Equity
501 SE Hawthorne, Suite 600
Portland, OR 97214

Gabriela Goldfarb
Natural Resources Policy Advisor
Governor's Office
255 Capitol St. NE, Suite 126
Salem, Oregon 97301

Dear Ben and Gabriela,

On behalf of the Oregon Water Resources Department (Department), I want to extend our gratitude to the Environmental Justice Task Force and the Governor's Natural Resources Office for helping to make environmental justice issues an integral part of the Department's activities in managing and protecting the state's water resources.

Since 2008, Ruben Ochoa has served as the Department's Citizen Advocate on environmental justice issues and represented our agency during meetings and discussions with members of the Environmental Justice Task Force. Due to health reasons, Ruben was unable to participate in task force meetings beginning in late 2013. After a long and courageous battle, Ruben passed away in October 2014. Over the years, Ruben has helped the Department incorporate the principles of environmental justice into agency programs and initiatives, including the state's 2012 Integrated Water Resources Strategy. Our Department will continue participating as a state agency representative to the Environmental Justice Task Force, continuing Ruben's long commitment in this role. The Citizen Advocate position will be filled in the coming months.

In fulfillment of our annual reporting responsibilities under ORS 182.550, the Department respectfully submits the following Environmental Justice Task Force report for 2014.

Sincerely,

Thomas M. Byler
Director

c: Nancy Salber, Governor's Office

ENVIRONMENTAL JUSTICE TASK FORCE REPORT

Oregon Water Resources Department – 2014

BACKGROUND

Each agency described in ORS 182.535, including the Oregon Water Resources Department (Department), must submit an annual report to the Environmental Task Force and the Governor's Office summarizing agency actions toward achieving environmental justice. Annual reporting helps monitor agency progress toward addressing environmental justice and provides learning opportunities to reconsider and refine best practices among state natural resources agencies.

As required by ORS 182.550, the report must document the results of the agency's efforts to:

- Address environmental justice issues;
- Increase public participation of individuals and communities affected by the agency's decisions;
- Determine the effect of the agency's decisions on traditionally underrepresented communities; and
- Improve plans to further the progress of environmental justice in Oregon.

The following is a summary of efforts by the Department to consider and promote environmental justice during calendar year 2014. Past reports can be found on the Department's Environmental Justice website: http://www.oregon.gov/owrd/pages/environmental_justice.aspx.

ADDRESSING ENVIRONMENTAL JUSTICE ISSUES

Ongoing Professional Development of Agency Staff – The Environmental Justice Task Force has asked state agency representatives to ensure that cultural competency and environmental justice considerations are included within management position descriptions. Sample language was provided to agencies, with the understanding that it could be tailored to accommodate the unique needs of agency staff and programs.

During Fall 2014, the Department reviewed management-level positions, including the Citizen Advocate position, to determine whether the sample language had been incorporated, as recommended by the Environmental Justice Task Force (EJTF). At present, management-level positions do not yet include the cultural competency language suggested by the EJTF; however, managers do undergo an annual review where leadership qualities are evaluated, many of which mirror the principles laid out in the cultural competency sample language. These include:

- Promoting and fostering a diverse workforce and discrimination/harassment free workplace.
- Recognizing value of individual and cultural differences; creating a work environment where individual differences are valued.
- Consistently treating customers, stakeholders/partners, co-workers with dignity and respect.
- Valuing diverse viewpoints.
- Actively soliciting and engaging diverse groups in program planning and implementation.

- Communicating with employees through section staff meetings the importance of maintaining a diverse and respectful workplace; and continuing to make the Department a welcoming environment for all staff.

Today, cultural-related training is not provided consistently to all management-level staff. Department staff are evaluating online training programs offered through the Oregon Department of Administrative Services' iLearnOregon training platform. Currently, the Oregon Department of Environmental Quality offers two online training programs that focus on tribal relations and environmental justice. The Department is exploring options for sharing these existing online courses with management staff.

With appropriate training, the Department is receptive to incorporating the cultural competency language recommended by the Environmental Justice Task Force into management-level positions. Recently, the Department revised the water policy analyst position within the Director's Office to specifically state that he or she serves as the Department's Citizen Advocate on environmental justice. The Department will further explore revisions the Citizen Advocate position to more fully incorporate the cultural competency language.

In 2014, the Department was able to take advantage of a few training opportunities where environmental justice was a featured item. In July 2014, staff from the Director's Office attended a conference focused on integrated water resources management, hosted by the American Water Resources Association in Reno, Nevada. The conference featured a special session on environmental justice. Several guest speakers discussed recent efforts to improve outreach and involve environmental justice or "disadvantaged communities" as part of the California's integrated regional water management program. Department staff gathered lessons learned from this session and established connections with organizations working on environmental justice issues in California.

In December 2014, Director's Office staff also attended Within Our Reach, a biennial conference hosted by Meyer Memorial Trust focused on improving the health of the Willamette River. For the first time, the conference featured a session on the role of underrepresented communities in achieving a healthier Willamette River. Members of the Portland Harbor Community Coalition shared perspectives on ways to empower new leaders and support the voices of all who have a stake in a healthier river. Department staff attended this breakout session and found it very informative and applicable to many state agency programs and initiatives.

INCREASING PUBLIC PARTICIPATION; EFFECT OF AGENCY'S DECISIONS

Recent Rulemaking – In 2014, the Department initiated several rule-making activities, one of which involved new rules to implement the Upper Klamath Basin Comprehensive Agreement. To help the public and community members understand the agency's proposed rules, the Department made a concerted public outreach effort during various stages of rule development. Five open houses were held in 2014 and 2015 to provide the public an opportunity to meet with Department staff, including the watermaster and groundwater staff, to answer questions about the draft administrative rules, groundwater science, and water regulation. The Department conducted radio spots on stations local to the area, granted interviews with the Klamath Herald and News newspaper, and published press releases announcing rule development and public comment opportunities. The Department posted meeting announcements and the draft rules on its website and sent notices to interested parties and local officials through an electronic mailing list. The Department also extended the public comment

period to 60 days to allow additional time for community members and others to comment. The Department also held three public hearings in Klamath Falls—two in January and one in February of 2015.

Development of Place-Based Planning Guidelines – In 2014, the Department initiated development of a set of planning guidelines that can be used by Oregon communities wishing to undertake a collaborative, water resources planning process geared toward better understanding and meeting instream and out-of-stream needs, including water quantity, water quality, and ecosystem needs. The state developed these guidelines, currently available online, as a way to give those who live, work, and play in a community and who care deeply about it a stronger voice in their water future. The draft planning guidelines require planning groups to invite and involve diverse interests in the planning process, and ensure that all persons potentially affected by a place-based plan have a voice in the decision-making process, including environmental justice communities.

Environmental Justice Task Force Member Will Collin continues to offer guidance on how to incorporate the principles of environmental justice into statewide and place-based planning efforts. The Department is grateful for the additional time and expertise offered by both Mr. Collin and Task Force Member Robin Morris Collin over the last several months.

Providing Funds for Water Resources Projects – The Department is currently developing rules to launch a new loan and grant program administered by the state to develop instream and out-of-stream water projects. This newly available funding resulted from the passage of SB 839 during the 2013 Legislative Session. The state will evaluate funding proposals, in part, based upon the economic, environmental, and social or cultural benefits provided by a project. This evaluation process considers several criteria, including whether a project provides a measurable improvement in conditions for members of minority or low-income communities, economically distressed rural communities, tribal communities, or other communities not traditionally represented in public processes.

IMPROVING PLANS TO FURTHER ENVIRONMENTAL JUSTICE IN OREGON

The Department's primary means of addressing environmental justice is through our existing relationships and continued engagement with tribal communities, more specifically, Oregon's nine federally recognized tribes. In any given year, agency field and management personnel will interact with various tribal leaders and staff regarding water management, streamflow conditions, and other regulatory processes. Many of our tribal interactions in 2014 involved implementation of signed water agreements in the Klamath River Basin, where agency staff worked directly with the Klamath Tribes, water users, and others in the basin. The Department continues to be involved in ongoing water right settlement negotiations with the Confederated Tribes of the Umatilla Indian Reservation, offering technical review and support of various water resources modeling tools.

Protecting Cultural Resources during Field Work & Data Collection – In 2013, the Oregon Legislature increased funding in the Department's base budget to establish, maintain, and upgrade streamflow gaging stations and monitoring wells throughout the state. The Department is currently modernizing several protocols and procedures necessary to install new data collection sites, one of which includes protection of cultural or significant resources during site installation, data collection, and other field-related activities. In 2014, the Department conducted cultural resource (archaeological) assessments, in conjunction with the state archeologist, tribal partners, university

consultants, and other public and private partners. Many of the Department's newly established gages will be used to monitor and assess streamflow conditions in relation to tribal determined claims in the Klamath River Basin.

Cultural Resources Training Planned for 2015 – In April 2015, several of the Department's technical and field staff, including section managers, will be participating in a four-day training conference hosted by the Oregon Parks and Recreation Department. This conference is primarily focused on providing a greater awareness of state and federal cultural resources regulations, including the protection of archeological sites. Cultural resources staff from Oregon's nine federally recognized tribes will also be in attendance, offering several presentations and training opportunities throughout the conference.

Continued Involvement with the Environmental Justice Task Force – Since 2008, the Department has actively participated in meetings and discussions of the Environmental Justice Task Force. Department staff from the Director's Office participated in Task Force meetings held in 2014, and will continue to participate in meetings and other events hosted in 2015, including the GIS data symposium scheduled for this spring. As recommended by the Environmental Justice Task Force, the Department will utilize the recently developed *Environmental Justice Best Practices Handbook* and will report back on our progress to the Environmental Justice Task Force in January 2016.

Division of State Lands



Oregon

Kate Brown, Governor

Department of State Lands

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State Land Board

March 23, 2015

Gabriela Goldfarb
Environmental Justice Task Force
Office of the Governor
900 Court Street NE
Salem OR 97301

Kate Brown
Governor

Jeanne P. Atkins
Secretary of State

Re: DSL Annual Report – Calendar Year 2014

Ted Wheeler
State Treasurer

Dear Task Force Members:

In accordance with statutory annual reporting requirements, the Department of State Lands (DSL) respectfully submits this report to the Environmental Justice Task Force (EJTF).

DSL handles the day-to-day work of the State Land Board in managing the land and other resources dedicated to the Common School Fund. The Director's Office oversees administrative responsibilities for the State Land Board and directs the operation of DSL, under the jurisdiction of the Land Board in accordance with its guidance. Administrative duties include making recommendations to the Land Board and Legislature, approving policies and area management plans, and overseeing the agency strategic plan, budget preparation, federal grants and contracts. In addition, the Director chairs the South Slough National Estuarine Research Reserve Management Commission, a policy-making board for the South Slough Reserve. The Director's Office also includes the agency's legislative coordination and communications functions.

In addition to the Director's Office and the South Slough Reserve, DSL divides its operating responsibilities into three programs:

- Aquatic Resource Management Program - focusing on the agency's regulatory and proprietary waterway management, and aquatic resource planning and protection.
- Common School Fund Property Program - consisting of the Real Property, Estates and Unclaimed Property units.
- Business Operations and Support Services - including Fiscal Services, Human Resources, Information Systems, agency-wide rules coordination, and clerical support services.

The agency headquarters are in Salem. The agency's Eastern Region operations are located in Bend. The South Slough Reserve is located in Charleston on the southern coast.

As a designated natural resource agency, DSL is committed to actively assist the EJTF in the performance of its duties. DSL assigned the EJTF citizen advocate duties to a senior policy and legislative analyst in the Director's Office in 2015. He is the primary contact for coordination with EJ concerns:

Christopher Castelli
Senior Policy and Legislative Analyst
Oregon Department of State Lands
Phone: 503-986-5280
Fax: 503-378-4844
chris.castelli@state.or.us

Chris recently took over these EJTF duties from Aquatic Resource Planner Jevra Brown. Jevra did an outstanding job representing DSL on the EJTF from 2008 to 2014.

The department encourages the task force, in its goal under ORS 182.542(2) to continue to work with natural resource agencies in creating products that will provide all state agencies with a consistent definition and methods for identifying EJ communities statewide. Specifically, DSL looks forward to release of the final version of the "EJ Best Practices" reference material and the EJ community GIS mapping product. Both of these products have been drafted through the efforts of the EJTF, other natural resource agencies and student interns. DSL appreciates the EJTF's consideration of a process to update and disseminate current versions of the map GIS product to natural resource agencies in the future. DSL anticipates the ability to incorporate the mapping and best practices products to improve outreach procedures. The EJTF has previously discussed the possibility of providing additional language translation resources to increase accessibility within potentially identified EJ communities. These resources would assist in soliciting public review and comment for regulatory or proprietary authorizations prior to decision-making, rulemaking, and for other EJ community outreach efforts.

The citizen advocate continues to seek, support or create opportunities for further EJ training for all DSL employees. The citizen advocate participated in the quarterly EJTF meetings and provided summaries of agency related EJTF meeting topics to, or had discussions with, appropriate management and staff.

2014 EJ Efforts at DSL:

Working with Tribal governments:

DSL continues to coordinate with Oregon's nine federally recognized tribal governments in accordance with DSL's government-to-government policy. The department's government-to-government policy was originally established in August 1998 in response to the Governor's Executive Order No. EO 96-30 on state/tribal relations. In 2014, staff members from each division participated in multiple forms of coordination with tribal representatives and workgroups including bilateral education and training. Increased efforts were made in outreach including requests for comment and participation with potentially affected tribes regarding removal-fill and land management activities, decisions, or potential regulatory process changes. DSL's coordination with the tribes is detailed in the agency's 2014 Annual Government-to-Government Report and in DSL's State Agency Coordination Plan, both are available upon request.

In September 2014, the agency's Multicultural Appreciation Committee (MAC) presented the biennial diversity training sessions. This year's trainings included:

- *DREAMers Presentation* - DREAMers are undocumented immigrants who were brought to the United States illegally as children. In the words of President Barack Obama, "These are young people who study in our schools, they play in our neighborhoods, they're friends with our kids, they pledge allegiance to our flag, and they are Americans in their hearts, in their minds, in every single way but one: on paper." Come listen to their inspiring stories.
- *Walidah Imaresha – "Why Aren't There More Black People in Oregon?"* - Learn how historic laws shaped our state's racial makeup, and about the vibrant black culture that sustained many communities throughout Oregon. Led by poet and educator Walidah Imaresha, participants will discuss Oregon's history of black exclusion, and how politics, history and culture have shaped – and will continue to shape – the landscape for all Oregonians.
- *Refugees* - Representatives from the Immigrant and Refugee Community Organization will share their experiences in coming to a new country and interacting with Oregonians. Participants will learn ways to increase cultural sensitivity, value and respect cultural differences, and develop skills for interacting with those with different backgrounds.
- *Heath Goodall - ASL Poetry* - Heath was born hearing. When he was just a few days old, he needed surgery. Medication used during the surgery caused Heath to become deaf. Heath learned by watching (studying) hearing people. He quickly learned to mimic and model some of their expressions and behaviors. He's a master storyteller, charming performer, and beautiful ASL poet. Heath's passion for the arts shines in everything he does, including the classroom where he makes learning ASL fun.

In addition to this biennial event, DSL's MAC distributes the Governor's monthly diversity proclamation to all staff with information and activities about the featured groups.

2015 Goals

DSL intends to continue with our current working groups and practices while looking for ways to improve public participation in rulemaking efforts, permit review and other agency decisions that affect communities of color, low income communities, tribal nations and other communities traditionally underrepresented in public processes.

DSL is committed to continuing to support the EJTF's efforts, to expand our understanding of EJ issues and to improve outreach with EJ communities.

DSL will review and begin to implement the Oregon Environmental Justice Task Force State Natural Resource Agency Best Practices Handbook. The handbook is scheduled to be finalized in May of 2015.

DSL will begin to review all position descriptions and add cultural competency language as needed. DSL proposes to integrate competency language as position descriptions are updated.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary M. Abrams". The signature is fluid and cursive, written over a horizontal line.

Mary M. Abrams, PhD
Director