



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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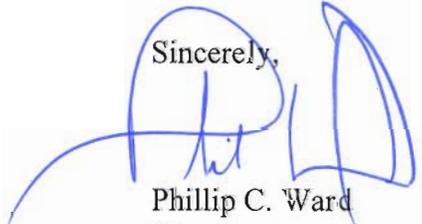
Dear Robin and Jessica,

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

With regard to the Citizen Advocate position, the Department has asked Ruben Ochoa, Policy Analyst in the Director's Office and my designee as the Department's representative to the Environmental Justice Task Force, to perform the responsibilities of the Citizen Advocate to encourage public participation, ensure that the Department considers environmental justice issues, and informing the Department of the effect of its decisions on communities traditionally underrepresented in public processes, as described in the legislation (SB 420) that created the Environmental Justice Task Force. Mr. Ochoa will commit the time necessary, and the Department will devote the resources necessary, to fulfill these responsibilities.

I have reviewed the following responses to questions that have been posed by the Environmental Justice Task Force and they meet with my approval.

Sincerely,



Phillip C. Ward
Director



EJ TASK FORCE FOLLOW UP QUESTIONS TO SUBJECT AGENCIES
Submitted by the Annual Report Subcommittee (12/08)

11. ODWR

Agency states that it works in partnership with local tribal representatives. Can the agency describe and provide examples of how it affords tribes the opportunity to participate in the decision-making process?

The following actions provide specific examples of how the Department affords Tribal governments an opportunity to participate in the decision-making process.

1. Tribal/State Water Summit:

The Department of Water Resources and the Department of Environmental Quality, in coordination with the Governor's Natural Resource Office and the Legislative Commission on Indian Services, are working on an agenda for a tribal/state water summit that is scheduled to be held sometime in the fall of 2009. The Department has engaged the Legislative Commission on Indian Services through its Executive Director and the Natural Resources Cluster Work Group (which includes representatives from Oregon's nine federally recognized Indian Tribes) to provide input on subject areas, topics and overall agenda that the tribes would like to include as part of the tribal/state water summit.

2. Initiative to develop an Integrated Water Resources Strategy:

In coordination with the Governor's Office and the Department of Environmental Quality, the Water Resources Department (under the direction of the Oregon Water Resources Commission), is engaged in an ongoing initiative to develop an integrated water resources strategy that is designed to guide state policy and water supply development to help meet the state's future water needs, in terms of water quantity, water quality, and ecosystem needs. As part of its effort to engage stakeholders in this initiative, the Department has requested a one-on-one meeting with the executive director of the Legislative Commission on Indian Services to keep the Commission abreast of the Department's activities relative to the initiative and to receive ideas on how the Department can most effectively receive input from the Tribes as part of the Department's overall process of developing the integrated water resources strategy.

Oregon Department of Water Resources
(Response to questions posed by the 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 processes.

The Oregon Water Resources Department (Department) is pleased to provide the Environmental Justice Task Force with responses to the following questions:

1. What actions has the Department taken to incorporate environmental justice considerations into the agency's institutional framework?
2. What barriers exist to implement environmental justice, and if these barriers did not exist, what would the Department do differently?
3. Are there any Department actions that are currently pending that have environmental justice implications?

1. *What actions has the Department taken to incorporate environmental justice considerations into the agency's institutional framework?*

The Department has incorporated environmental justice considerations into its institutional framework, most prominently, in its government-to-government relationship with Oregon's nine federally recognized Indian Tribes and through actions that the Department and Oregon Water Resources Commission (Commission) have taken to promote public involvement and participation in their respective programmatic and rulemaking activities.

In its government-to-government relationship with federally recognized Indian Tribes, the Department's approach is to engage in genuine and meaningful discussions, to seek mutually beneficial solutions to issues that may arise in the areas of water rights, management and administration, and to recognize that working toward a sustainable future for Oregon is a shared responsibility that requires a long-term government-to-government partnership...a partnership built on the willingness of the partners to understand and respect different perspectives on what may constitute the most beneficial and valuable uses of the state's water resources.

In its programmatic and rulemaking activities, the Department works to involve and inform parties affected by Department actions by encouraging participation in task forces, workshops and forums, rules advisory committees, and associated rulemaking processes. The Department holds Water Resources Commission meetings at locations outside the Salem/Portland areas several times each year to provide an opportunity for members of the public in these communities to witness Commission proceedings and discussions and

to engage in a conversation with the Commission via public comment. The Commission agendas provide time for Tribal representatives and other local leaders to address the Commission.

In addition, the Department maintains a log of bilingual staff who are able to assist in communication with members of diverse communities and keeps a file of Americans with Disabilities Act-accessible meeting facilities throughout the state to facilitate the selection of venues for public hearings, workshops, task force meetings and other Department activities that provide access to Americans with disabilities.

2. What barriers exist to implement environmental justice, and if these barriers did not exist, what would the Department do differently?

Dedicated Resources

With resources specifically dedicated to environmental justice activities, which are not currently available, the Department would consider the following actions to enhance the ability of environmental justice communities affected by Department decisions to express and promote their interests as part of the decision-making process.

- Communicate public hearing and other public notices in languages other than English, including Spanish, Russian, and various Asian languages,
- Provide training to all staff on the meaning of environmental justice and ways in which they can incorporate environmental justice considerations into their respective roles and responsibilities,
- Develop opportunities for field staff to discuss concerns and issues with environmental justice communities that the Department has not historically and/or regularly communicated with, and
- Create an internal committee to determine the effectiveness of Department actions to incorporate environmental justice considerations into its activities and to determine the effect of the Department's decisions on traditionally underrepresented communities.

Environmental Justice Communities

Due to the nature of the work performed by the Department, it is a challenge for the Department to identify environmental justice communities other than the nine federally recognized Indian Tribes in Oregon that are particularly affected by policy considerations of the Water Resource Commission or the various sets of actions generally undertaken by the Department. For this reason, the Department looks forward to working with the Environmental Justice Task Force to enhance its ability to identify additional environmental justice communities that are or may potentially be particularly affected by actions of the Department.

3. Are there any actions currently pending at the Department that have environmental justice implications?

The Department continues to explore ways to make environmental justice an integral part of its dual mission of directly addressing Oregon's water supply needs, and restoring and protecting streamflows and watersheds in order to ensure the long-term sustainability of Oregon's ecosystems, economy, and quality of life. At this point in time, there are no new actions currently pending at the Department that have environmental justice implications.