

January 29, 2010

William Collin, Chair,
Environmental Justice Task Force
Jessica Keys, Governor's Natural Resources Office
255 Capitol Street NE, Suite 126
Salem, OR 97301

Dear William and Jessica,

On behalf of the Oregon Water Resources Department (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.

Last year, I appointed Ruben Ochoa, Water Policy Analyst in the Director's Office and my designee as the Department's representative to the Environmental Justice Task Force, to perform the duties of Citizen Advocate for environmental justice issues. Ruben has kept us informed of the efforts that the Environmental Justice Task Force and the Governor's Natural Resources Office have made over the past year to improve our understanding of environmental justice issues and how those issues relate to our mission and functions. The Department sincerely appreciates the efforts of the Environmental Justice Task Force and the Governor's Natural Resources Office in this regard.

In fulfillment of our annual reporting responsibilities under SB 420, the legislation that established the Environmental Justice Task Force, the Department respectfully submits the following Environmental Justice Task Force report for 2009.

Sincerely,

Phillip C. Ward
Director

ENVIRONMENTAL JUSTICE TASK FORCE REPORT (Oregon Water Resources Department - 2009)

Senate Bill 420 directs a number of Oregon's natural resource agencies to submit an annual report to the Environmental Justice Task Force (Task Force) and to the Office of the Governor that includes the results of the agency's 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.

The Oregon Water Resources Department (Department) faced significant budget challenges in 2009. These challenges reduced our ability to fund the Citizen Advocate position to the extent envisioned by SB 420. We look forward to a point in time when a more favorable budget climate may allow us to do so. Notwithstanding these challenges, the Department was able to make some general progress in the four areas enumerated in SB 420. We owe this progress, in large part, to several actions taken by the Task Force in consultation with the Governor's Natural Resources Office. These actions include:

- Working with the Department on a one-on-one basis to begin development of a customized environmental justice work plan for the agency;
- Providing a forum at its regularly scheduled Task Force meetings to share information and resources with our sister natural resource agencies, learn about important environmental justice issues in Oregon, and interact with the Task Force members in a positive and cooperative manner;
- Development of definitions for and understanding of "environmental justice" and "environmental justice communities" that has enhanced the Department's cultural competency in the subject matter; and
- Efforts to develop an "environmental justice community mapping" system for Oregon that the Department views as having the potential, when completed, to significantly improve our ability to make consideration of environmental justice issues an integral part of the Department's activities.

Addressing Environmental Justice Issues; Increasing Public Participation

With respect to addressing environmental justice issues and increasing public participation of environmental justice communities affected by agency decisions, the Department's efforts are primarily evident vis-à-vis its intergovernmental relationship with the state's federally recognized Indian tribes. It is the Department's view that completion of the environmental justice community mapping project will enable us to be more inclusive and engage a wider range of environmental justice communities in the actions we consider to manage the state's water resources. The following actions provide

specific examples of how the Department afforded tribal governments an opportunity to participate in important decision-making processes in 2009:

Tribal/State Water Forum:

The Department of Water Resources (Department), in coordination with the Oregon Department's of Environmental Quality and Fish and Wildlife, Governor's Natural Resources Office, and the Legislative Commission on Indian Services, organized and held a tribal/state water forum on November 19, 2009. The forum provided a venue for Oregon's tribal governments to present tribal perspective and interests in water, guidance for effective tribal consultation and preliminary comments on draft issue papers authored by members of the Oregon Water Resources Commission as part of their development of an integrated water resources strategy for the State of Oregon.

Integrated Water Resources Strategy:

In partnership with the Governor's Natural Resources Office and the Oregon Departments of Agriculture, Fish and Wildlife, and Environmental Quality, and various stakeholders throughout Oregon, the Department has begun the development of an integrated water resources strategy for Oregon. As currently envisioned, the strategy will provide long-term policy, management, and water supply development guidance to help Oregon meet its future water demands, in terms of water quantity, water quality, and ecosystem needs. The Department is working with the Legislative Commission on Indian Services to establish a framework for continuing engagement with tribal governments as the integrated strategy is developed. The tribal and state water forum described earlier was an initial step in this regard. Also, and at the Department's request, William Collin, Task Force chair, has agreed to serve as an expert/resource on environmental justice issues for the Department and Oregon Water Resources Commission (Commission) as they move forward with development of the integrated strategy.

In its programmatic and rulemaking activities, the Department takes a number of steps to encourage potentially impacted stakeholders, small business owners, and members of the general public to participate in task forces, workshops and forums, rules advisory committees, and associated rulemaking processes. The Department holds Commission meetings at locations outside the Salem/Portland areas several times each year to provide an opportunity for members of the general 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 during the formal meeting for members of the general public and local leaders to address the Commission.

Determining the Effect of Agency Decisions; Improving Plans

With respect to determining the effect of the agencies' decisions on traditionally underrepresented communities and improving plans to further the progress of environmental justice, the Department has taken the initial step of developing a direct link on its website for viewers to access general information regarding environmental

justice and to obtain contact information for the agency's Citizen Advocate. The Department intends to activate the website link for environmental justice in February 2010.

In addition, the Department is currently reviewing human resources materials under development by the Oregon Department of Environmental Quality (DEQ) that directly incorporate environmental justice considerations in job descriptions and performance reviews for management-level positions. The Department has an interest in and will continue to monitor further development of these materials. However, the Department strongly believes that appropriate and meaningful environmental justice training would need to be available at a reasonable cost before it could consider incorporating environmental justice items in job descriptions and/or performance reviews for management-level positions.