

ENVIRONMENTAL JUSTICE COUNCIL

September 5, 2023
9:00 a.m. – 1:00 p.m.

Webinar Public Meeting Agenda

This public meeting will be conducted as a virtual meeting. Written testimony can be submitted in advance, to van.nguyen@deg.oregon.gov. Written comments received will be distributed to the Council.

Zoom Webinar Registration:

https://us02web.zoom.us/webinar/register/WN_ZwvFr3dCS_qohJj4GkrYrA

The Council makes every attempt to hold strictly to the sequence of the distributed agenda. Times and topics may change up to the last minute. This agenda is available on the Environmental Justice Council website: [Governor of Oregon : Environmental Justice Council : Policies : State of Oregon](#).

9:00 a.m.	Item 1:	Call to Order – Chair Joel Iboa
9:10 a.m.	Item 2:	Chair Report – Chair Joel Iboa (Oral Report) Briefing: The Board will not be asked to consider an action on this item
9:30 a.m.	Item 3:	Staff Report – EJC Coordinator Hoang-Van Nguyen, DEQ Rachel Saltzman, Melissa Foltz, and OHA Eric Main Briefing: The Council will not be asked to take an action on this item
10:15 a.m.	Item 4:	EJ Mapping Tool Subcommittee Report – EJC Members (Oral Report) Briefing: The Council will not be asked to take an action on this item
10:40 a.m.	Item 5:	Governance Subcommittee Report – EJC Members (Oral Report) Briefing: The Council will not be asked to take an action on this item
11:00 a.m.	Item 6:	2024 Environmental Justice Council Meeting Scheduling - Staff Board Action: The Council will be asked to take an action on this item
11:30 a.m.	Item 7:	Agency Annual Reports – Chair Joel Iboa and Staff Board Action: The Board will be asked to take an action on this item
12:00 p.m.	Item 8:	Appointments – Governor’s Office Advisor Karin Power (Oral Report) Briefing: The Council will not be asked to take an action on this item
12:20 p.m.	Item 9:	Critical Energy Infrastructure Hub – Portland Youth Climate Strike Briefing: The Council will be asked to take an action on this item
12:50 p.m.	Item 10:	Public Comment
1:00 p.m.	Item 11:	Council Adjourn

PLEASE NOTE

AGENDA

The public portion of the Council meeting will begin at 9:00 a.m. and proceed chronologically through the agenda. Times listed on the agenda are approximate. At the discretion of the chair, the time and order of agenda items—including addition of intermittent breaks—may change to maintain meeting flow.

PUBLIC TESTIMONY

Written comments will be accepted until 5:00 p.m. the evening prior to the meeting. Other testimony will be received during the public comment portion of the meeting.

REASONABLE ACCOMMODATION OF DISABILITIES

Please contact us at least three business days prior to the meeting to let us know if you need reasonable accommodation. Contact the Environmental Justice Coordinator Hoang-Van Nguyen at van.nguyen@deg.oregon.gov to make your request.

Staff Report and Memorandum

To: Chair and members of the Environmental Justice Council
From: Hoang-Van Nguyen, Environmental Justice Council Coordinator
Date: September 1, 2023

Regarding: Agenda Item 3 – Staff Report

The Council will not take action on this agenda item.

Proposed Council Action: None

Workplan Preview

The mapping tool leadership team is currently developing a comprehensive project workplan, which will provide details on the tool development process and timeline to complete the deliverables outlined in HB 4077. A first draft of the full workplan will be shared with the EJC for review in October. An overview of the major project stages is provided below, highlighting the role of the EJC throughout the tool development process.

Project Stage	Timeframe	Role of EJC
Define audience, establish listening sessions	Late 2023	Deliberates and votes on listening session proposal
Define intent	Late 2023 – Early 2024	Hosts listening sessions with Oregon communities; deliberates results and votes on intent
Assess data	Aug 2023 – Spring 2024	Reviews monthly updates; deliberates results of gap analysis and data limitations
Prioritize and select indicators, define methodological approach	Early-Late 2024	Deliberates indicator selection based on listening session feedback and data inventory; reviews and approves recommended methodological approach
Submit progress report	Sept 15 th 2024	Reviews drafts and approves final progress report
Create mapping tool	Mid 2024 – Sept 2025	Reviews/approves alpha, beta, and final versions of tool; hosts focus group community listening sessions
Develop implementation plan	Mid 2025	Reviews monthly updates and provides feedback; deliberates and approves final implementation plan
Submit implementation report	Sept 15 th 2025	Reviews drafts and approves final implementation report

Data Inventory Status Update

In early August, the Department of Administrative Services (DAS) coordinated with the EJC Liaisons to distribute the [data inventory template](#) to natural resource agencies. EJC Liaisons received the template August 11th and distributed the template to their respective teams throughout the following week. The template asks agencies to provide a description of each data element as well as the purpose or intent of each data element with respect to

environmental justice. The template also provides agencies with links to a [Project Information Sheet](#), [Frequently Asked Questions](#), Tips and Tricks, and contact information to submit questions.

The deadline for agencies to submit their initial draft is September 13th. After the deadline DAS will assess the submissions, consolidate the inventories, and reach out to any agencies whose inventory is absent.

Once the agency submissions have been compiled into one comprehensive inventory, DAS will continue to work with agencies and the mapping tool leadership team to assess reliability, completeness, metadata standards, and review gaps with the goal to provide a completed inventory late spring/early summer of 2024. The inventory is anticipated to serve as a technical resource for the mapping tool leadership team and a communication tool to support EJC discussions regarding the existing conditions of Oregon's environmental justice data.

Methodology Stages

The mapping tool leadership team presented an overview of existing national and state environmental justice mapping tools and key terms during the EJC Visioning meeting on July 26th. Since the Visioning meeting, the leadership team held Q&A meetings with tool developers from CalEnviroScreen and the Washington Environmental Health Disparities Map, met with data scientists in Oregon focused on index tool development, and reviewed journal articles covering a wide range of index development methods in preparation for upcoming EJC mapping tool sub-committee meetings.

In September, the mapping tool leadership team will prepare presentations on building composite index best practices, methods for data evaluation, indicator weighting methods, and common methodologies used by other states to build their environmental justice mapping tools. The leadership team will also request tool developers from the Washington Environmental Health Disparities Map and California Healthy Places Index development teams present their tools at upcoming EJC mapping tool sub-committee meetings that will be scheduled in fall 2023.

Listening Session Lifecycle Preview

House Bill 4077 Section 12 prescribes at least six meetings in different regions of the state including one meeting in a remote community to present a workplan and proposals for the environmental justice mapping tool and receive input and feedback from communities. These meetings need to facilitate “an inclusive community engagement process”.

To accomplish this, the following preview highlights a listening session lifecycle centered on inclusive community engagement. Environmental Justice Council members were polled on August 28, 2023 to determine if they would prefer six listening sessions in 2024 or 12 listening sessions in 2024. Implementation listening sessions will likely be scheduled in 2025.

1. Intent/Impact: This part of the lifecycle is where the EJC will actively engage with communities throughout Oregon to discuss the audiences, use cases, environmental burden/benefits, environmental justice community identification, and how natural resource decisions impact them. Engagement with tribal communities and remote communities are specifically cited in the statute.
2. Workplan: This is when the Environmental Justice Mapping Tool will be shared with communities and stakeholders to seek feedback. The workplan will be informed by the previous listening sessions and EJC guidance.
3. Prototype: This is an iterative step where various development stages of the Environmental Justice Mapping Tool will be shared for feedback
4. Implementation: This is also an iterative step where the communication plan and agency guidance per House Bill 4077 Sections 13 and 14 will be shared for feedback.

Engagement with community based organizations, local governments, and tribal governments will be key for the success of the listening sessions. We will need their help to find who we need to engage.

Staff Report and Memorandum

To: Chair and members of the Environmental Justice Council
From: Hoang-Van Nguyen, Environmental Justice Council Coordinator
Date: September 1, 2023

Regarding: Agenda Item 6 – Environmental Justice Council Scheduling 2024

The Council is requested to take action on this agenda item.

Proposed Council Action: Approve 2024 scheduling proposals for Environmental Justice Council meetings, Environmental Justice Mapping Tool Subcommittee meetings, and HB 4077 Listening Sessions.

EJC members received a poll on August 28, 2023 requesting for their preferences on scheduling regular EJC meetings, EJ Mapping Tool subcommittee meetings, and listening sessions for calendar year 2024. The proposals below are based on the feedback received from these polls and the options that received the most positive responses.

There will be three primary types of meetings Environmental Justice Council members may be engaged in 2024.

These include:

1. EJC Meetings: 6 in total, every other month
2. EJ Mapping Tool Subcommittee Meetings: 12 total with additional meetings scheduled as needed
3. Listening Sessions: either
 - a. 6 scheduled with EJC meetings or
 - b. 12 total: 6 scheduled with EJC meetings plus 6 additional outside of EJC Meetings

EJC Mapping Tool subcommittee meetings will be open for all EJC members for collaboration with the EJ Mapping Tool Leadership team. These meetings will also be open for the public to observe. These meetings will be used to debrief listening sessions, provide feedback to the EJ Tool Leadership team, and consult on options to present for full EJC consideration.

The listening session lifecycle preview was presented during Agenda Item #3.

The below options reveal the preferences of the Environmental Justice Council members who responded to the polls.

Environmental Justice Council Schedule
Second Thursday of every even month

HB 4077 Listening Session Schedule
Equal preference to the second Thursday of every even month or the second Thursday of every month.

Environmental Justice Mapping Tool Subcommittee Schedule
Third Tuesday of every month

The EJC also expressed preference for in person or hybrid meetings. Hybrid meetings are being explored for all EJC meetings and listening sessions in 2024. EJ Mapping Tool subcommittee meetings will still be hosted virtually. Locations for 2024 meetings will be proposed during the next EJ Mapping Tool subcommittee meeting so the full EJC can decide during either the October or November 2023 EJC meetings.

Staff Report and Memorandum

To: Chair and members of the Environmental Justice Council
From: Hoang-Van Nguyen, Environmental Justice Council Coordinator
Date: August 30, 2023

Regarding: Agenda Item 7 – Agency Annual Reports

The Council is requested to take action on this agenda item.

Proposed Council Action: Approve new deadline and prompts for 2023 Agency Annual Reports.

The EJC directed agencies to submit their annual reports by November 3, 2023 during the June 2023 EJC meeting.

ORS 182.550 requires

All directors of natural resource agencies, and other agency directors as the Governor may designate, shall report annually to the Environmental Justice Council 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 environmental justice communities;
- (4) Improve plans to further the progress of environmental justice in Oregon; and
- (5) Utilize the environmental justice mapping tool developed under section 12 of this 2022 Act.

Agencies shall address sections 1-4 of ORS 182.550 and indicate how they are participating in the development of the Environmental Justice Mapping Tool.

Agencies shall also respond to the following questions:

1. What is the process of analysis your agency uses to determine environmental justice considerations per ORS 182.535 Section 5? Please describe your progress towards implementing this analysis and provides examples such as policies, rule making, etc.
2. What is the extent of meaningful involvement your agency facilitates in decision making and implementation of agency programs as defined by ORS 182.535 Section 7?
3. Please share agency impacted legislation from the last legislative session where Environmental Justice Council or Environmental Justice Task Force engagement is cited in the legislation (example: climate, community engagement, etc.)
4. How would your agency like to engage with Environmental Justice Council in 2024?

CBO Report and Memorandum

To: Chair and members of the Environmental Justice Council

From: Chloe Gilmore, Portland Youth Climate Strike

Date: August 30, 2023

Regarding: Agenda Item 8 – Critical Energy Infrastructure Hub

The Council is requested to take action on this agenda item.

CBO Proposed Council Action: Take a position based on the presentation.

Portland Youth Climate Strike requested to present to the Environmental Justice Council by email on August 8, 2023. Chloe Gilmore, Evan Grey-Williams, Sariah Albers, and Trevor Tsui will be presenting on behalf of Portland Youth Climate Strike.

Introduction:

[Portland Youth Climate Strike](#) is a collective of young people dedicated to the intersectional fight for climate justice. By educating and mobilizing our peers, we strive to make climate action an urgent priority in city and statewide politics.

Affiliations:

PYCS has over 30 partner organizations from not just the Portland area, but the state as a whole. These are composed of community-run climate and social justice organizations including (but not limited to): 350 chapters, Extinction Rebellion chapters, Breach Collective, OPAL, Kalikasan Solidarity Organization, and The Braided River Campaign. For our upcoming action on September 15th, we have played a large role in mobilizing tens of organizations from Bend, Salem, Eugene, and Portland to plan a collective action together.

Issue Statement:

The CEI hub is a 7 mile stretch of land right by the Willamette River. It contains 90% of Oregon's fuel resources with a capacity of over 350 million gallons of oil in its tanks, including all of the fuel for the planes at the Portland International Airport. The Hub is owned by a few major corporations, who we all already know to be major environmental polluters, including Chevron, Shell, Northwest Natural Energy, and Zenith Energy. One of these aforementioned companies, Zenith Energy, has expanded their operations greatly, from [transporting 167 million gallons of crude oil and diesel through the Portland terminal in 2019 to 374 million gallons in 2022](#).

Impacted Communities:

- Indigenous communities:
 - The existence of fossil fuel infrastructure and pollution in the CEI Hub violates multiple treaties and tribal rights, including those of the [Grande Ronde](#), [Siletz](#), and [Nez Perce](#).

- The CEI Hub is now so polluted that it is designated as a Superfund site, which makes it unsafe for the Grand Ronde to exercise their fishing and land use rights that are crucial to cultural survival.
- This would pose colossal environmental threats, an economic shutdown for the state of Oregon, and take thousands of lives. This area would become extremely flammable and it is likely that a tank would explode, causing a fire that would potentially burn all of Forest Park. The area of nearby North Portland is also at risk, which is home to thousands of predominantly working class, low income, and/or BIPOC Portlanders.

Community Risks:

The CEI hub is built on unstable soil classified as a liquefaction zone, which poses a great risk due to the predicted Cascadia Subduction Zone earthquake. In the event of the Cascadia Subduction Zone earthquake, approximately 43% of these fuels would be dumped into the Willamette River, and the remaining fuel will be dispersed into the atmosphere and surrounding environment. [When the Cascadia Subduction Zone Earthquake occurs, between over 95 million gallons of fuels will be released.](#) The estimates of fuel releases from the CEI Hub are the same magnitude as what was released in the Deepwater Horizon spill of 2010, the largest oil spill in U.S. waters to date. We also know that oil by train is unsafe, especially of the crude oil that Zenith transports, and there are always risks of derailment. In 2016, A Union Pacific unit train carrying nearly three million gallons of oil derailed in the Columbia River Gorge. Sixteen tanker cars derailed; 42,000 gallons of oil were spilled.

Agencies Involved:

Due to the recent approval of the LUCS by the City of Portland, it is crucial that Zenith's Air Contaminant Discharge Permit is denied by the Department of Environmental Quality. This is the only chance we have to regulate Zenith's operation in the CEI hub. Zenith's ongoing land, water, and air pollution are not only currently causing harm, but their operations pose immeasurable risks to residents of North Portland, ecosystems, tribal sovereignty, and the safety of our overall community.

Environmental Justice Council Action Requested:

Portland Youth Climate Strike asks that the Oregon Environmental Justice Council issue a public statement condemning Zenith Energy's operations in the Portland CEI Hub. In this public statement, we request that they directly mention the DEQ's role in overseeing Zenith Energy's Air Contaminant Discharge Permit, the approval of Zenith Energy's Land Use Compatibility Statement by the Portland City Bureau of Development Services, and the impacts of CEI Hub operations regarding seismic risks as well as tribal rights.

State Agency Follow-up Requested:

Department of Environmental Quality:

- PYCS asks the DEQ to deny Zenith Energy's Air Contaminant Discharge Permit. We ask that the department reviews the investigation of Zenith Energy's contamination of the surrounding communities when deliberating on their decision, and there is open transparency with the public.

- PYCS calls on the DEQ to prioritize the cleanup and Just Transition of the Portland Harbor Superfund Site (2068). If needed, we propose that the state requests federal funding to execute the cleanup plan proposed by the Environmental Protection Agency. The DEQ is responsible for executing this plan which is estimated to cost over \$1 billion and take up to 30 years, but projects are not following the expected timeline. See June, 2023 updates [here](#).