



# Oregon

John A. Kitzhaber, MD, Governor

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

[www.oregonstatelands.us](http://www.oregonstatelands.us)

### State Land Board

February 3, 2012

John A. Kitzhaber, MD

Governor

Brett Brownscombe  
Environmental Justice Task Force  
Office of the Governor  
900 Court Street NE  
Salem OR 97301

Kate Brown  
Secretary of State

Ted Wheeler  
State Treasurer

Re: DSL Annual Report – Calendar Year 2011

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 agency is comprised of four divisions: Director's Office, (including the South Slough National Estuarine Research Reserve), Land Management, Wetlands and Waterways Conservation, and Finance and Administration (including the Unclaimed Property Program). As a designated natural resource agency, DSL is committed to actively assist the Task Force in the performance of its duties. DSL assigned the EJTF citizen advocate duties to a wetland specialist position in August 2008, and continues to support those responsibilities.

During 2011, the citizen advocate participated in the quarterly EJTF meetings. She attended the October 22 SEIU Civil and Human Rights Conference titled, *Environmental Justice: Race, Class and Power*. She was asked to review and comment on several agency efforts as outlined in the Division summaries presented below.

The department continues to be interested in incorporating the EJTF's mapping project, or similar product, into the agency's existing procedures and responsibility to solicit public review and comment for regulatory or proprietary authorizations prior to decision-making. The department also would like to take advantage of two other resources that the EJTF has discussed providing for state agencies. The first is the possibility of additional language translation resources to increase accessibility within potentially identified EJ communities. Secondly, we anticipate the proposed "Best EJ Practices" reference being drafted by the Task Force. The citizen advocate will be taking DEQ's i-Learn modules and working toward using them for further EJ training for management and staff.

2011 Division EJ Efforts:

Agency Wide

DSL continues to coordinate with Oregon's 9 federally recognized tribal governments in accordance with DSL's government-to-government policy, detailed in DSL's State Agency Coordination Plan. 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. Each section completed multiple activities and interactions with tribes including internal training, outreach, education and improvements to regulatory processing involving cultural resources. The department's 2011 annual government-to-government report detailing DSL's coordination with the tribes is available upon request.

The director participated in the Ten-Year Plan for Oregon Project, Strategy for Healthy Environments and gained incorporation of language to include appropriate measures to address environmental justice issues that may arise in this budgeting effort.

Land Management Division (LMD)

The LMD created an advisory committee to guide rulemaking efforts for the authorization of EPA and DEQ initiated remediation and non-voluntary restoration activities on state-owned submerged and submersible lands. Will Collin, an EJTF member, accepted LMD's invitation to join the Remediation Rules Advisory Committee (RRAC) and provide guidance on EJ concerns throughout the rulemaking process. The agency citizen advocate also will be attending future LM RRAC meetings.

South Slough National Estuarine Research Reserve (SSNERR)

SSNERR is currently working with as many as 8 coastal tribes to plan a three-day workshop that will focus on species of priority interest to tribes that may not be of the same interest to the dominant culture. The primary species that will be the focus of this tribal focal species workshop is the Pacific Lamprey. This species is highly important to tribes but is generally regarded with ambivalence or distain by many in the dominant culture.

In September of 2011, SSNERR hosted the recognition of National Estuaries Day and National Public Lands day in the Empire District of Coos Bay. The Empire District is a low income neighborhood of the City of Coos Bay. Staff selected the "Hollering Place" as a venue, as it is part of an urban renewal agency effort to revitalize a deteriorated industrial waterfront on the Coos Estuary. In contrast to hosting the event at the South Slough where no public transit is available, the Hollering Place has public transit service and is within walking distance for disadvantaged individuals who live in the immediate area. Many low income people supplement their diet by digging shellfish from the bay. At the event, staff highlighted the benefits of clean water and showcased how cities and towns operate wastewater collection and treatment systems to keep the water clean for the plants and animals of the estuary and for the people who depend on those plants and animals. A "Down the Drain Adventure" maze to help demonstrate the operation of a wastewater treatment plant, and the local Girl Scout troop, guided adventurers through the maze. SSNERR also partnered with the City of Coos Bay who demonstrated how equipment is used to assure that water entering the bay is treated to protect the health of neighboring waters.

As mentioned above, low income people on the coast are disproportionately dependent on shellfish as a dietary supplement. In Oregon, shellfish, with the exception of Pacific Oysters, are a public resource. Pacific oysters are commercially cultivated in Oregon's estuaries and, as a result, are not available for harvest with a shellfish collecting license. SSNERR has been working for nearly a decade to re-establish native oysters in the Coos Estuary. When this effort succeeds, native oysters will return to being part of the suite of shellfish available to the public.

This past summer, SSNERR also participated in the Empire Clamboree by hosting an information booth at the day-long festival. This was our second year to support this public event hosted in the Empire District of Coos Bay.

This year the reserve manager served as a member of a Sustainable Design Advisory Committee (SDAC) for the South Coast Development Council (<http://www.scdcinc.org/index.html>). As a member of the committee, SSNERR hosted several community development planning meetings that were attended by hundreds of people including organizations that work with disadvantaged populations. As a culmination of the American Institute of Architects "Communities by Design" project, SDAC developed a proposal to the U.S. Department of Housing and Urban Development (HUD) to create a regional plan for sustainable development (RPSD) for Southern Oregon coastal communities between Reedsport and the California border. The multi-year, multi-million dollar proposal is currently in review. HUD's RPSD program is being carried out as a multi-agency effort that is specifically focused on supporting development that includes and supports underrepresented communities. The proposal considers a suite of sustainability factors including affordable housing, transportation and environmental justice issues such as downtown revitalization and brownfield redevelopment. (The SDAC report is available at: [http://www.coosbay.org/documents/AIA\\_CoosCounty\\_Final11-18-2010\\_000.pdf](http://www.coosbay.org/documents/AIA_CoosCounty_Final11-18-2010_000.pdf)).

#### Unclaimed Property Program

Staff from the Unclaimed Property Program attended the Warm Springs Health Fair and an Oregon State Hispanic Employees Network event to allow attendees to search for unclaimed property.

The Unclaimed Property Program continues to assist claimants with Spanish, Russian, and Ukrainian translation services when English is not their primary language. This year the Program implemented an online claims system that includes Spanish language assistance.

#### Wetlands and Waterways Division

Senate Bill 766 created the Economic Recovery Review Council (ERRC) to administer programs to foster industrial development in Oregon, and coordinate permit processes among member state agencies. Members of the ERRC workgroup include agency staff and Richard Whitman of the Governor's Natural Resource Office in collaboration with members of the EJTF, who are developing procedures for the implementation of SB 766. Continued collaboration with, and guidance from the EJTF is anticipated to insure that developed procedures will address EJ concerns and incorporate appropriate outreach to EJ communities for the ERRC permit streamlining efforts. The agency staff and citizen advocate discussed preliminary public involvement plans.

DSL is a participant in the state agency director's Climate Change Adaptation Workgroup, which developed the Oregon Climate Change Adaptation Framework. This framework summarizes the likely effects of climate change in Oregon and identifies short-term priority actions and future steps needed to adapt to climate change at a state policy level. DSL's representatives to this workgroup are aware that some likely effects of climate change may have disproportionate implications for EJ communities. The work of the EJTF will help DSL coordinate efforts in future adaptation planning that may identify specific actions necessary for vulnerable communities.

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

Sincerely,

Louise Solliday  
Director