



Oregon

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State Land Board

September 3, 2013

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Governor

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ENVIRONMENTAL JUSTICE TASK FORCE
OFFICE OF THE GOVERNOR
900 COURT STREET NE
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Kate Brown

Secretary of State

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State Treasurer

Subject: DSL Annual Report – Calendar Year 2012

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 EJTF in the performance of its duties. DSL assigned the EJTF citizen advocate duties to a wetland specialist position in August 2008. She continues in those responsibilities as the primary contact for coordination with EJ concerns:

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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 will 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, rule-making, and for other EJ community outreach efforts.

At the end of 2011 I was named the new director for the Department by the State Land Board. I come to the position with years of experience in natural resource management and executive administrative service. During 2012, the DSL EJTF citizen advocate met with me to discuss the work of the EJTF and outline DSL's EJ 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.

2012 EJ Efforts at DSL:

Agency Wide

DSL continues to coordinate with Oregon's 9 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 2012, 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 2012 Annual Government-to-Government Report and in DSL's State Agency Coordination Plan, both are available upon request.

In September 2012 the agency's Multicultural Appreciation Committee (MAC) presented the biennial diversity training sessions. This year's sessions focused on several environmental and social justice themes including: "First Foods" by Wenix Red Elk (Confederated Tribes of the Umatilla Indian Reservation); "The Meaning of Privilege" by Sidney Moore (ODEQ) and "Domestic Violence outside the Workplace" by Jayne Downing (Mid-Valley Women's Crisis Service). Members of the EJTF and named natural resource agencies were invited to join DSL staff for the panel discussion session "Environmental Justice," with Ben Duncan (EJTF member, Multnomah County Health Department, & OPAL board member), Alison Guzman (Beyond Toxics) and Jeri Williams (City of Portland Neighborhood Program Coordinator and past Executive Director of the Environmental Justice Action Group).

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.

Land Management Division (LMD)

LMD initiated rulemaking efforts at the end of 2011 for the authorization of EPA and DEQ initiated remediation and non-voluntary restoration activities on state-owned submerged and submersible lands. A Remediation Rules Advisory Committee (RRAC) was convened including

multiple interested parties, tribal representatives, user groups and community groups. Will Collin, an EJTF member, served on the RRAC to provide guidance on EJ concerns throughout the rulemaking process. The citizen advocate gave an introduction and overview of EJ followed by a discussion period to clarify the EJ components and implications to consider during the rulemaking process. All of the RRAC meetings were open to the public and included opportunities for the public to provide comment. The RRAC met through September 2012 when they voted unanimously that the draft rules were ready to move to the public comment phase. Public notice was given and hearings held through January 2013.

The citizen advocate summarized and discussed public comment that was brought before the EJTF with appropriate LMD staff including the Portland Harbor project and proposed confined disposal facilities.

Unclaimed Property Program

The Unclaimed Property staff participated in the Confederated Tribes of Warm Springs Health Fair in June 2012 and an Oregon State Hispanic Employees Network event in September 2012 to provide attendees the opportunity to search for unclaimed property the department may be holding for them.

The program continues to assist claimants with Spanish, Russian, and Ukrainian translation services when English is not their primary language. This year Unclaimed Property staff reviewed the program forms to ensure they are in compliance with ADA requirements.

Wetlands and Waterways Conservation Division (WWCD)

Assistant Director, Bill Ryan, represented DSL at regularly scheduled Natural Resource Work Group meetings with the federally recognized Oregon tribes and other state agencies. He provided updates regarding agency work efforts and legislation and listened to presentations by and engaged in discussions with tribes and state agencies regarding natural resource issues.

The division also performed outreach to the tribes at the Cultural Resource Cluster and Natural Resource Work Group meetings regarding the department's investigation of assuming the CWA 404 program from the U.S. Army Corps of Engineers.

The citizen advocate summarized public comment that was brought before the EJTF regarding coal transport through the Columbia River Gorge for, and discussed the expressed concerns with, the appropriate WWCD Removal-Fill Permitting Section staff. Permitting staff responded to public interest in a related permit application by placing a summary of the application, with the review status, on the department's web page through the process and providing appropriate time for public comment. The citizen advocate responded to the EJTF chair's questions about the application. All permit applications may be reviewed online while they are in process. Other EJTF public comments on projects that may potentially involve applications for removal-fill permitting were discussed with appropriate staff members, but applications have not been submitted for those projects to date.

WWCD staff added language in our online removal-fill permitting guidance document about the consideration of environmental justice and about the task force. This document is a reference created by the division to assist applicants through the permitting process.

DSL is a participant in the implementation of SB766 that created the Economic Recovery Review Council (ERRC). The director serves as a member of the ERRC, and WWCD staff are involved in coordinating permitting for eligible projects. DSL created a page on their website for the ERRC process.

The Wetlands Program continues to review Local Wetland Inventories to meet Statewide Planning Goal #5. This work includes continued outreach to local planning departments and residents as they complete their comprehensive planning process and write protective ordinances for wetlands and water resources of this state.

South Slough National Estuarine Research Reserve (SSNERR)

South Slough NERR science and coastal training staff, in partnership with the Coos Watershed Association, completed the first phase of the Partnership for Coastal Watersheds project in December 2012. The project was developed to demonstrate a stakeholder-driven community planning and decision-support process to address coastal resource issues relevant to community and technical stakeholders associated with a portion of the Coos estuary and watershed defined as the South Slough and "Coastal Frontal" watersheds.

South Slough NERR and Coos Watershed Association staff convened project area stakeholders in a group called the Partnership Steering Committee who, over the course of two years, produced the following: 1) a Community Vision describing the community's desired environmental and socioeconomic conditions for the project area in 20-25 years; 2) a State of the Watersheds Assessment articulating the current environmental and socioeconomic conditions in the project area; and 3) an Action Plan, describing prioritized actions designed to address conditions in the project area that impede the community's progress towards achieving the Community Vision.

In 2012, the SSNERR science team received funding to develop the second phase of the Partnership for Coastal Watersheds which focuses on designing projects that will address actions identified in the Action Plan and apply lessons learned from the first phase to develop community-initiated projects for a larger geographic area: the Coos estuary and sub-basins. Many of the communities that depend on the Coos estuary and in the area targeted by the Partnership work have high concentrations of low income populations.

Water Quality Monitoring/Oyster Restoration

SSNERR began partnering with the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians (CTCLUSI) and Coquille Tribes through their common interest in water quality monitoring. This partnership became more formalized through the NERR's Science Collaborative Partnership for Coastal Watersheds Indicators Project, which began in September 2012 (<http://www.partnershipforcoastalwatersheds.org/>). South Slough NERR is currently working with the CTCLUSI tribes to add real-time equipment to their water quality station located in lower Coos Bay, near the North Spit BLM boat launch.

In addition, SSNERR/NANOOS (Northwest Association of Networked Ocean Observing Systems) partnership has been providing real-time water quality data (<http://nanoos-shellfish.org/>) to oyster growers to help with their operations since 2008 and the workforce for their business includes primarily lower income/minority individuals.

In 2012, SSNERR continued working toward restoration and re-establishment of native oysters in Coos Bay/South Slough through the NERR's Science Collaborative Approach to Restoration of Native Oysters Project (<http://nerrs.noaa.gov/sciencecollaborative.aspx>) as well as the NERRs Graduate Research Fellowship Program to compare feeding physiology between commercial Pacific oysters and native Olympia oysters. Results from these two projects have important implications for Olympia oysters as a potential future food resource for low income coastal communities, such as Coos Bay.

South Coast Lamprey Summit

In May, 2012 SSNERR co-sponsored the South Coast Lamprey Summit, a 3-day conference hosted by the Coquille Indian Tribe. Participants included representatives of domestic sovereign nations including the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, the Confederated Tribes of Siletz Indians, the Cow Creek Band of the Umpqua Indian Tribe, the Yakama Tribe of Washington, and the Yurok, Karuk and Wyott Tribes of California. These tribal representatives and representatives of Oregon and federal natural resource management agencies participated in this event to review the latest available scientific research on Pacific lamprey, a declining anadromous species that is culturally significant to northwest Indian tribes.

The summit represented the first meeting on Oregon's south coast of tribal and non-tribal scientists to discuss lamprey research. The summit objectives included creating a centralized data management office for lamprey research data and enhancing working relations between the staff of the SSNERR and that of the Coquille Indian Tribe. Participants also floated a section of the South Fork of the Coquille River to conduct an informal survey of lamprey during spawning, and ate lamprey at a banquet held at the Coquille Tribe's plank house, a community center in the style of communal structures used by northwest coastal tribes.

Paddling Education with the Tribes

In 2012, the South Slough Education program worked with the Coquille tribe to promote paddle education to the general public.

Using both the South Slough's big canoe as well as the Coquille tribe's traditional canoe, we offered paddle trips in Sunset Bay in conjunction with the Friends of South Slough's Annual picnic. For the first time, South Slough paddlers also participated in the traditional canoe races at the Salmon Festival sponsored by the Coquille tribe. South Slough staff and volunteers paddled and participated in recognition ceremonies with canoe families from the Coquille, Confederated Tribes of the Coos Lower Umpqua and Siuslaw Indians, and the Grand Ronde tribes.

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.

Sincerely,



Mary M. Abrams, Ph.D.
Director