Environmental Justice Task Force
Agency Reports
March 1, 2019

Mr. Joel Iboa, Chair
Environmental Justice Task Force

Ms. Amira Streeter, Natural Resources Policy Advisor
Office of Governor Kate Brown
Salem, Oregon 97301

Dear Mr. Iboa, Ms. Streeter, and Task Force Members,

Thank you for the opportunity to work with the Oregon Environmental Justice Task Force. In accordance with annual reporting requirements under ORS 182.550, the Oregon Department of Transportation (ODOT) respectfully submits this report to the Environmental Justice Task Force.

ODOT is committed to incorporate environmental justice into the work we do across the agency and state. If you have any questions regarding this report, please contact Carroll Cottingham at 503-986-3169 or carroll.j.cottingham@odot.state.or.us. Consistent with the requirement of ORS 182.545 Carroll Cottingham will serve as ODOT’s citizen advocate.

Sincerely,

Angela Crain, Manager
ODOT Office of Civil Rights
OVERVIEW
Oregon Department of Transportation
The Oregon Department of Transportation (ODOT) is a recipient of Federal financial assistance, therefore the agency is required to comply with certain nondiscrimination laws and regulations. Environmental Justice (EJ) directives also stem from Executive Order 12898, Department of Transportation (DOT) Environmental Justice Order 5610.2, and the EJ policy expressed in the Oregon Transportation Plan. Each guideline tasks the state transportation agency with responsibility to integrate environmental justice principles into planning and programming efforts. It also requires that steps be taken to prevent disproportionately high and adverse effects on minority and low-income populations through Title VI and EJ analyses. The agency is obligated to ensure that negative effects of transportation projects do not disproportionately impact traditionally underrepresented populations.

The Oregon Department of Transportation’s (ODOT) Office of Civil Rights (OCR) Nondiscrimination Programs Manager represents ODOT at quarterly Environmental Justice Task Force (EJTF) meetings that are mandated by the Office of the Governor of Oregon. During the meeting staff representatives from Oregon’s environmental justice agencies give updates on policy changes, staffing updates, projects, goals and accomplishments that are linked to environmental justice. Each agency must submit an annual report to the Task Force and Governor’s office summarizing agency actions toward achieving EJ.

The Office of Civil Rights Response to Title VI and EJ:
ODOT’s Office of Civil Rights (OCR) is responsible for ensuring the agency’s Title VI nondiscrimination and EJ policies are incorporated throughout each of the transportation project delivery phases. Since ODOT is a large agency with a variety of funding streams and divisions, OCR coordinates with staff that integrate EJ into their projects.

The Office of Civil also oversees the formal discrimination complaint process, reviews allegations, and conducts investigations pertaining to discrimination. To ensure that EJ is implemented throughout the agency the Title VI/EJ/ADA Program Manager is tasked with administering the Title VI, Limited English Proficiency (LEP), and additionally manages the Americans with Disabilities Act for the Office of Civil Rights within ODOT.

In addition to coordinating Civil Rights activities with ODOT branch, region and local offices, OCR acts as liaison between ODOT and sub-recipients of federal and state transportation funds. Oversight of sub-recipients includes reviewing documents, providing training and technical assistance. OCR staff participate in training to identify and address EJ issues in daily work related to ODOT and that of its stakeholders. Whether reviewing documents, providing training, or connecting ODOT staff or the community to technical resources, ODOT OCR staff continues their education and assistance role in order to ensure a clear understanding of the Civil Rights policies that guide us.

IMPLEMENTATION
A primary means that ODOT addresses EJ is integrated into ODOT’s NEPA Public Involvement Procedures for Federal Highway Administration (FHWA) Federal-Aid Project Development. NEPA applies to all FHWA Federal-aid projects. The vast majority of ODOT’s Federal-aid projects are completed as NEPA Class II
Categorical Exclusions, or CE projects. These projects have the least potential to cause adverse effects to EJ and other protected populations.

As appropriate to the proposed project’s scope, level of public interest, and potential for adverse effects, public input is sought as warranted during the development of the project as follows:

- As relevant, ODOT will conduct public outreach and engagement efforts targeted specifically to Environmental Justice communities that could be potentially impacted by the Federal-aid project. ODOT will document such outreach, feedback and input received, and the disposition of that feedback. Any analysis of impacts to Environmental Justice communities will take into account benefits and mitigation, as well as impacts, to determine the Environmental Justice finding for the project.

- Low literacy and limited English proficiency populations, senior citizens, disabled persons, low income populations, and other identified disadvantaged people will be offered alternative accommodations (e.g., translation services, transportation, child care) to participate in project development activities, as appropriate.

- Public outreach, including public meetings, may be used for projects where there are several practical project alternatives and/or where the project would involve potential relocations of residences, businesses, and/or institutions.

- Public meetings will be held in Americans with Disabilities Act (ADA) accessible facilities.

- ODOT will provide advisory notices to the public and any potentially affected Environmental Justice communities for upcoming construction activities that could affect the local transportation system including: detours, public road or access restrictions, and delays.

The following best practices are used as appropriate for ODOT projects when addressing Environmental Justice:

1. Identification of minority or low income communities in the project area using a variety of methods including but not limited to:
   - On-site evaluation
   - Census Bureau data
   - EPA’s EJScreen
   - Planning reports
   - Local Housing Authority
   - Neighborhood associations
   - Local schools and school district boundaries
   - Community leaders/organizations/local contacts
   - Public/social service agencies

2. Several options exist for obtaining adequate public involvement for minority and low income communities, such as:
   - Minority/other language newspapers and social media outlets
   - Coordination with group representatives
   - Door-to-door outreach (with group representative(s))
   - Presentations/discussions at group functions
   - Flyers (including other-language flyers)
   - Transportation to and from meetings
3. Identify potential adverse impacts to minority and low income communities resulting from the project (including impacts both to those displaced and those remaining). Assess cumulative impacts resulting from other activities in conjunction with ODOT projects. Potential adverse impacts on minority and low income communities generally include:

- Economic
  - Economic vitality
  - Employment
  - Transportation
  - Development

- Social
  - Aesthetic values
  - Community cohesion; isolation, exclusion or separation of minority or low-income individuals from the broader community
  - Availability of public and private facilities and services (including community services, schools, recreation areas, churches, police, and fire protection)
  - Changes in travel patterns and accessibility
  - Highway and traffic safety

- Environmental
  - Air, noise, and water pollution
  - Vibration
  - Soil contamination, hazardous materials
  - Man-made or natural resources
  - Traffic congestion

- Human health

- Displacements
  - # of households/businesses
  - Family/business characteristics
  - Available housing/available building sites
  - Last resort housing
  - Impacts of relocation on individuals/community

4. Determine, in consultation with FHWA as appropriate, whether the project would have a disproportionately high and adverse effect on minority or low income populations.

5. Identify and evaluate ways to avoid or reduce adverse and/or disproportionate impacts to minority or low income communities. Work with the EJ community members and leaders to suggest mitigation and enhancement measures that could avoid or offset potential adverse impacts. These could include:

- Modifying the design of project alternatives to address the community’s stated needs
- Developing new alternatives/options
- Developing mitigation plans with the community and appropriate agencies
- Address and/or modify construction timing and/or staging
- Ensure access to services are provided in reasonable locations during construction

OCR drafts and submits to FHWA an Annual Accomplishments Report that summarizes the implementation of the Title VI and EJ principles that occurred throughout the year. Subject Matter Experts (SME’s) have been identified in each of these programs to serve as liaisons between program...
staff and the OCR staff. The multitude of projects and meetings that take place on those projects within ODOT would be impossible for one staff member to attend. The SMEs help by attending meetings, sharing information with their peers and supervisors as well as bringing valuable information back to meetings between OCR staff regarding Title VI and EJ within highway and construction projects.

There are program areas within ODOT that are targeted for special emphasis by the Federal Highway Administration (FHWA) because day to day business in these programs intersects with Title VI and EJ. The programs are as follows: Planning, Environmental, Right-of-Way, Research, Design, Education and Training, Contracts, Construction, and Maintenance.

The Planning, Environmental and Right-of-Way program areas require a public participation policy for use in evaluating EJ issues in transportation projects. ODOT has developed guidance and policy documents, such as the Title VI Implementation Plan and maintains an agency-wide Public Participation policy for use in evaluating EJ issues in transportation projects.

ODOT continues to partner with other agencies, work through the EJTF team and independently research ways to enhance the data collection process and approaches to meaningful public engagement. ODOT’s goal is to identify the best data available, document it, and use it to ensure that Title VI and EJ communities are impacted to the least degree possible. The information gathered is essential to a good public participation model for ODOT and for staff who present highway and construction information to the public.

HIGHLIGHTS
Environmental justice is integrated into ODOT’s business practices and carried out by staff and project teams around the state. Below are a few specific examples of project analysis and public outreach from the previous year.

Project 1: I-5 Rose Quarter
The I-5 Rose Quarter Improvement Project is located in the geographic area that was historically the African American community in Portland. Beginning in the 1960s, this community was adversely impacted and displaced by a number of developments and programs, including the construction of I-5, Veteran’s Memorial Coliseum, the Rose Quarter (Moda Center), Emanuel Hospital, and urban renewal efforts. The African American communities, as well as other communities of color and low-income populations, have strong cultural ties to this area. Although the demographics of the area have changed with development, this area remains diverse. Today the project area includes a higher proportion of minority, low-income, and senior (ages 65+) populations as compared to the full City of Portland.

From the project’s inception, the I-5 Rose Quarter Improvement Project (Project) has been a partnership/joint project between ODOT and the City of Portland. Our approach to environmental justice and Title VI outreach is as follows:

*Environmental justice and Title VI outreach is a priority for ODOT and the City of Portland. We are making concerted efforts to reach and incorporate all voices in the process for this project. To accomplish this, we are initiating targeted small group outreach, one-on-one meetings and targeting culturally specific organizations and arranging to be present to share information at community events that reach communities who often do not participate in traditional community engagement activities.*
Outreach on the I5 Rose Quarter Project included:

- Established a 16-person Community Liaisons Group to serve in an advisory capacity to ODOT and the City of Portland. Half of the members appointed are people of color. The group includes neighborhood, business and community members who advise ODOT and the City on our community outreach strategies and provide us with feedback on project messaging and visuals to represent the project with our stakeholders. All meetings take place at the Billy Webb Elks Lodge (African American owned and operated) and include a light dinner (food purchased from locally, minority-owned businesses). Meetings were held in September 2017, March 2018, and May 2018.

- Project briefings and meetings have been held with the following individuals and organizations:
  - Pastor Hennessee, of Vancouver Avenue First Baptist Church. This resulted in the convening of a project briefing with the Albina Ministerial Alliance and other Pastors in the neighborhood. (March 20, 2018)
  - Albina Vision Trust
  - Stephen Green – input on how to reach out to the local entrepreneurial and African American community
  - Black Community Forum – What’s Happening in Our Streets? (June 6, 2018) – ODOT, in partnership with the City of Portland Bureau of Transportation, held an open house focused on providing an opportunity for Black community members living in and traveling to N/NE Portland neighborhoods to inform transportation investments. The forum was focused on the I-5 Rose Quarter Improvement Project and other PBOT projects and initiatives. Over 70 individuals attended.

- Project Outreach at community events, with I-5 Rose Quarter Improvement Project table. The tabling included project maps, an opportunity for the public to discuss the project with project leaders, and an interactive survey for the public to provide input. The Project was present at the following events to target outreach to the African American community:
  - Juneteenth (June 16, 2018)
  - Good in the Hood (June 24, 2018)

Project 2: Value Pricing Feasibility

In 2017, the Oregon Legislature authorized substantial funding to improve highways, transit, biking and walking facilities, and use technology to make the state’s transportation system work better. As part of this comprehensive transportation package, the Legislature also directed the Oregon Transportation Commission (OTC) to seek federal approval to implement congestion pricing on I-5 and I-205 in the Portland metro area to address congestion. Congestion pricing, also called value pricing, uses fees or tolls to manage travel demand.

The OTC directed ODOT to convene a 25-member Policy Advisory Committee (PAC) of diverse representatives of local, state and federal government throughout the region and initiate the Portland Metro Area Value Pricing Feasibility Analysis. The committee’s charge was to develop a recommendation of how and where congestion pricing could help improve congestion on I-5 or I-205 during peak travel times, and begin to understand potential benefits and impacts to travelers and adjacent communities. The OTC established equity impacts – on low-income and adjacent communities specifically - as a key factor for consideration in the recommendation.

General Public Outreach:
The project team collected public input over the course of the feasibility analysis in three different rounds of general public outreach, referred to as winter, spring and summer, from November 2017 to
July 2018. The project team sought to listen to community input, promote awareness among stakeholders and the public about the feasibility analysis process and schedule, and educate the public and stakeholders about the congestion problem, congestion pricing and why ODOT is considering the tool and the range of pricing concepts. Members of the public had the opportunity to submit comments or questions to the project team and Policy Advisory Committee through email or voicemail at any time during the feasibility analysis as well as through verbal comments at open PAC meetings. The Policy Advisory Committee used the input from the winter and spring outreach periods to inform their recommendation to the OTC that was delivered on July 5 2018.

ODOT provided several opportunities for members of the public to learn about the feasibility analysis and submit input. During the winter round of engagement, ODOT conducted outreach between January and February 2018 which consisted of 11 presentations to community groups, six stakeholder interviews, four focus groups, one online and three in-person open houses, an accompanying questionnaire and three open PAC meetings.

The spring round of engagement occurred from February to June 2018 and also consisted of targeted Title VI/EJ outreach. During this round of engagement the project team conducted 38 presentations to community groups, coordinated six equity-focused discussion groups, a translated equity-focused questionnaire, five in-person open houses, an online open house, an accompanying questionnaire and three open PAC meetings.

The summer round of engagement occurred from June 26 to July 20 and included an open public comment period to collect input from the public on the PAC’s recommendation and a Special Listening Session with the OTC.

In addition to the project website, public notification of outreach opportunities occurred through the following channels:

- Email notification
- Translated project fact sheets
- Social media posts
- Paid digital advertising
- Project videos
- Media and blog coverage

**Title VI/Environmental Justice Engagement:**

ODOT took a multi-layered approach to understand potential equity impacts of congestion pricing. The technical evaluation includes a review of industry experience and best practices that help ensure that the benefits of congestion pricing are shared by all communities, and to identify potential mitigation strategies to offset negative impacts. ODOT compared demographic and language patterns of general outreach participants to those of the region to determine where to target engagement to ensure input is gathered from all segments of the population. In addition to general public outreach, ODOT
specifically sought to reach those who traditionally have not engaged in public input processes and those who may have barriers to participation because of Limited English Proficiency or other reasons.

Through the Title VI/EJ engagement, the project team sought to:

- Reach and hear from historically underrepresented population groups to understand needs, issues, concerns and opportunities around congestion and the potential benefits and adverse impacts for these communities of implementing congestion pricing.
- Create accessibility and awareness by working with individuals and organizations that specialize in grassroots engagement; conducting this outreach in multiple languages; and meeting at dates, times and locations convenient to participants.
- Provide education about the congestion problem, congestion pricing and why ODOT is considering the tool, and the range of pricing concepts under consideration.
- Establish an informed network of Title VI/EJ community groups/individuals for future engagement on this project.

**Stakeholder Interviews:**

ODOT engaged Title VI/Environmental Justice communities by beginning with stakeholder interviews with representatives from six multicultural organizations. These 45 to 60 minute phone interviews were conducted in November 2017 to introduce the Value Pricing Feasibility Analysis and identify stakeholder ideas, suggestions and specific issues of concern or opportunity about congestion pricing.

Several key themes emerged during the interview process that supported the engagement approach. Stakeholders expressed a need for fairness in outcomes and mitigation for low-income people as well as ensuring we conduct an authentic early engagement with individuals in impacted communities. They emphasized the importance of relationship-building and understanding the full health and equity impacts to specific populations.

**Equity-focused Discussion Groups:**

Discussion groups were held in March 2018 with representatives from the African-American, Chinese, Hispanic, Native American, Slavic and Vietnamese communities to understand needs, issues, concerns and opportunities around congestion and the potential benefits and adverse impacts for these communities of implementing congestion pricing. Community Engagement Liaisons were asked to recruit individuals who commute on or use I-5 and I-205 to participate in the discussion groups and interpret the discussion. In total, 114 people from all four counties in the region attended the six meetings.

**Title VI/Environmental Justice Questionnaire:**

ODOT conducted an outreach survey specifically for Title VI/Environmental Justice communities to supplement the findings from the discussion groups. The community engagement liaisons assisted in distributing paper copies of the questionnaire and the online link and translating the questionnaire and responses. The questions asked of participants in the Title VI/Environmental Justice engagement questionnaire were similar to those asked of the community in the winter 2017-2018 online survey. This
provided useful comparisons between feedback about congestion pricing from the general public and underrepresented populations. The 13 questions can be grouped around three distinct categories:

- Travel patterns and behaviors
- Value pricing expectations and considerations
- Participant demographics

ODOT collected 286 completed questionnaires during this round of engagement.

Altogether, over 400 individuals engaged through this equity-focused effort. Seventy-five percent self-identified as low income by having annual household incomes below $45,000 (to be considered low income according to federal HUD guidelines, a family of four in Portland must be earning less than 80 percent of the median household average, or under $59,760 in 2017). Discussion group participants expressed appreciation to ODOT for including their voices early during planning. They expressed interest in staying involved in this project and being invited back for future conversations. Each of the community engagement liaisons offered their assistance in re-convening their community groups. Some asked to be consulted at each future stage of planning. Opportunities exist to leverage these community networks with updated, translated materials and additional meetings in the future.

Training
Looking ahead to the coming year, ODOT is planning to add EJ training and continue to add technical resources or best practices available for staff and sub-recipients.

- April 2019, Hosting EJ Training led by FHWA staff
- May 2019, sending ODOT staff to transit related EJ Training in Portland
GOAL 1

Deliver consistent, timely and dependable public service in all of our interactions, and make it a priority to reach out to our customers to understand their needs

DSL 2017-2021 Strategic Plan

Definition of Customer Engagement

Customer engagement is building professional relationships and establishing trust with our internal and external customers through:

- Gathering and respecting customers’ and stakeholders’ input
- Proactive, thoughtful, clear communications
- Active listening in all customer interactions

Best Practices for Building a Culture of Engaging Customers

Increase personal interactions

- Leave your desk; get out of the office
- Conduct informal outreach ahead of formal outreach
- Establish informal advisory committees for complex and controversial projects, and for ongoing work, when needed
- Partner with agencies, community-based organizations and business interests to expand our message, give us credibility and introduce us to key stakeholders
- Attend and make presentations at professional conferences and public events

Know your audience

- Use plain, accurate, concise language that is tailored to your audience in all written and oral communications
- Go to the customer – be flexible in accommodating what works for them
- Make sure meeting times and venues will accommodate the audience

Communicate

- Be transparent – tell the truth – be honest about what you can and cannot say
- Solicit feedback through evaluations of meetings and presentations. Tailor future presentations to incorporate feedback
- Respond to every customer or interested party in a timely manner using the appropriate (their preferred) methods
- Embrace new communication techniques – social media, short videos, etc.
**Agency actions**

- Build consistent communication and messaging through developing standard replies ("elevator speech")
- Conduct ongoing staff training in agency standards and practices
- Build the expectation “from the top” that standards are to be followed
- Incorporate technology to deliver information and consistent messaging

**Individual actions**

- Document customer interactions: add notes in electronic files so any staff person who works on a file knows what has already occurred
- Use agency resources – talking points, desk manuals, supervisor input – to help ensure consistency
- Don’t be afraid to say “I don’t know” – listen, take notes, do research and get back to the inquirer; give a timeframe for when you’ll respond, then keep your commitment!

**Use Plain Language in All Communications**

The focus of plain language is on the audience, not the writer. When material is in plain language, the audience finds what it needs and understands what it finds. The goal of using plain language in DSL communications is to help customers understand our programs and help them interact with us successfully.

DSL adheres to the state’s plain-language writing standards, which include these key points:

- Think about your audience first
- Focus the message around facts
- Include only relevant information
- Fit the writing style to the message
- Use short, simple sentences; keep paragraphs short
- Use words your audience understands
- Use the present tense and active voice
- Design visually appealing documents

Ask the DSL public information manager to review documents for plain language, and use the communications resources on the DSL Resources web page and in the Agency O drive folder.

Always strive to write in the simplest, clearest, most jargon-free way. In general, assume your audience doesn’t know about DSL and our programs.
March 1, 2019

DLCD 2018 Agency Report for the EJTF:

How does your agency make efforts to address environmental justice issues?

DLCD and the Statewide Planning Program have implemented environmental justice measures since the beginning of the program in the early 1970s.

Specific implementation takes place in the form of:

1. The Statewide Planning Goals – to which each city and county responds through a comprehensive plan that is reviewed by the agency
2. Citizen involvement programs and policies – our Citizen Involvement Advisory Committee (CIAC) advises the Land Conservation and Development Commission and local governments on best practices concerning public involvement in land use planning efforts. The CIAC also awards an annual “Achievement in Community Engagement” award that recognizes efforts specific to inclusive and equitable planning practices

Our programmatic work is designed around the 19 Statewide Planning Goals. Goal 1 is Citizen Involvement. In short, Goal 1 requires local governments:

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process.

Further, the local citizen involvement program must incorporate the following components:

1. Citizen Involvement: To provide for widespread citizen involvement.
2. Communication: To assure effective two-way communication with citizens.
3. Citizen Influence: To provide the opportunity for citizens to be involved in all phases of the planning process.
4. Technical Information: To assure that technical information is available in an understandable form.
5. Feedback Mechanisms: To assure that citizens will receive a response from policy-makers.
6. Financial Support: To insure funding for the citizen involvement program.

The concepts of environmental justice are also incorporated in Goals 10 (Housing) and 12 (Transportation). Goal 10 says: “To provide for the housing needs of citizens of the state,” and “…plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.” Please also see:

Goal 12 begins by saying: “To provide and encourage a safe, convenient and economic transportation system.” The goal considers “all modes of transportation,” “the differences in social consequences that would result from utilizing differing combinations of transportation modes,” “minimize adverse social, economic and environmental impacts and costs,” and “meet the needs of the transportation disadvantaged by improving transportation services.”

Please also see:

DLCD also addresses environmental justice through the Land Conservation and Development Commission’s (LCDC) Public Participation Guidelines. Updating the previous Citizen Involvement Guidelines to the current “Public Participation Guidelines” was an element of the CIAC 2018 workplan. In January 2019, updated guidance that reflects current industry best practices and up-to-date language, references, and ideas was presented LCDC by the CIAC and adopted by the commission as an overall guidance document for agency work, policy development, and the commission’s engagement and consideration of the public.

1. The Public Participation Guidelines require the department and commission to:
   - To intentionally engage a diverse group of interests and people to ensure the opportunity to gather input from those likely to be affected by the outcome.
   - To provide meaningful, timely, and easily accessible information to the public and interested parties about policy development processes and activities.
   - To help people make a connection between the work of the department and meaningful, on-the-ground outcomes by providing information in plain language, taking care to make communications on all topics as clear and understandable as possible.
   - To promote effective communication and working relationships among the Commission, the Department, the public and interested parties in statewide planning issues.
   - To facilitate submittal of testimony and comments to the Commission from the public and interested parties and the response from the Commission to the public and interested parties about issues of concern with regard to policy proposals.

2. The CIAC, which meets four times a year, advises LCDC on issues pertaining to public participation in land use decisions. CIAC has also created public involvement guidelines for local governments and continues to recognize local governments for outstanding work engaging citizens in the public process of making land use decisions with the ACE (Achievement in Citizen Engagement) award.
How has the agency worked to increase public participation of individuals and communities affected by agencies’ decisions?

The agency updated the public facing website in the last year, following DAS and NIC USA guidelines. All website content has been revised for readability, accessibility, and relevance. The department hopes this will demonstrate through analytics a more accessible, understandable, website that provides timely information on program fundamentals, proposed changes, and issues that have potential impact for the environmental justice community.

The Department of Land Conservation and Development (DLCD) is also in the process of migrating from state list serves through the state library to a more user specific subscription service offered by GovDelivery. This will allow us to tailor messaging to appropriate audiences and keep those interested in land use informed.

How have you worked to determine the effect of agency decisions on traditionally under-represented communities?

The Department of Land Conservation and Development (DLCD) makes decisions that may have impacts on environmental justice issues in specific locations in Oregon and statewide. When adopting rules, reviewing local land use decisions, and performing outreach and education, DLCD considers impacts, or potential impacts, as they relate to environmental justice. We work with stakeholder groups, rulemaking advisory committees, and local governments to understand various affected interest group positions and use a consensus based discussion and decision making process to create equitable outcomes in rulemaking.

How has the agency improved plans to further the progress of environmental justice in Oregon?

In the 2018 legislative session, DLCD received 1.73 million dollars in funding to help rent burdened communities around the state perform Housing Needs Analyses (HNA) (HB 4006). The results of an HNA can be used to update local zoning to accurately reflect the need for housing, including multi-family housing, rental units, and other types of housing. Many governments around the state lack the capacity and technical skill necessary to perform this work without assistance. The completion of an HNA puts local governments on a Development Readiness track.

At current, DLCD has funded over 40 communities in work to develop a more up to date housing plan for their respective cities, but we received applications from nearly 100 who have requested assistance of this type.

DLCD currently has an appropriation in the Governor’s recommended budget for continuation of this work (HB 2075). The overall request is focused on “Development Readiness” and seeks to make Oregon communities ready for housing and employment.
Report on details of agency funding/budget commitments to EJ Task Force Liaison.

None.

Sadie K Carney | Policy Analyst/Communications Manager
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March 1, 2019

Amira Streeter
Environmental Justice Task Force
Office of the Governor
900 Court Street NE
Salem, OR 97301

Re: PUC Annual Report – Calendar Year 2018

Dear Task Force Members:

In accordance with statutory annual reporting requirements, the Oregon Public Utility Commission (PUC) respectfully submits this report to the Environmental Justice Task Force (EJTF).

About the PUC & EJTF Role

The PUC regulates rates and services offered by private Oregon electric and natural gas utilities, telecommunication companies, and select water companies. The PUC’s mission is to “Ensure Oregon utility customers have access to safe, reliable, and high-quality utility services at just and reasonable rates. This is done through thorough analysis and independent decision-making conducted in an open and fair process.” The PUC is impartial and objective, utilizes transparent processes and operations, and makes decisions based on the correct application of the law.

The PUC’s major areas of responsibility include:

- Ensuring safety, reliability, and quality of essential utility services
- Scrutinizing rate regulated utility costs, risks, and performance to ensure just and reasonable rates
- Managing customer and community choices to ensure value for all
- Anticipating, informing, and integrating policy, industry, market, and technology changes

The PUC is committed to assist the EJTF in the performance of its duties. The PUC assigned the citizen advocate duties to the public information officer in the Executive Office, as this individual works with all facets of the PUC staff. Although various PUC team members impact environmental justice activities for the agency, the citizen advocate is a primary contact for coordination with environmental justice concerns.

Kandi Young, Public Information Officer
Oregon Public Utility Commission
Phone: 503-373-1571; Cell: 503-551-5290
Kandi.young@state.or.us

The citizen advocate meets with staff members to understand the PUC’s efforts to ensure environmental justice in the work we do on a daily basis, and then reports this information at the quarterly EJTF meetings.
REGULATORY AUTHORITY, POTENTIAL CHANGES TO INCLUDE ENVIRONMENTAL JUSTICE ISSUES

The PUC’s current authority is set forth in several provisions of the Oregon Revised Statutes:

- ORS Chapter 756 sets out the agency’s general powers
- ORS Chapters 757 and 758 set out laws governing energy and water regulation
- ORS Chapter 759 sets out laws governing telecommunication regulation
- ORS Chapters 290, 469, 469A, and 772 contain other provisions affecting the PUC’s operations and regulatory oversight.

The PUC’s authority to regulate utilities is delegated from the Legislature, and our legislative mandate is to ensure regulated utilities make safe and reliable service to everyone in their service territories at reasonable, non-discriminatory rates. The PUC cannot require utilities to accomplish societal objectives that are outside the scope of its regulatory authority that impose costs that the Legislature has not required utilities and their customers to bear.

The SB 978 process, highlighted on page 3 of this report, set affordability, equity, and environmental justice as a priority for the PUC to consider as part of its regulatory process. The PUC noted in its SB 978 report that some actions would require additional legislative authority.

Current Legislative Session

In the current session, House Bill (HB) 2855 proposes to modify the general powers of the PUC. This bill would require the development and implementation of policies and rules that encourage social equity and environmental justice, among others.

In addition, HB 2242, the PUC Equity Bill, would allow the PUC to consider income in the setting of rates, to allow organizations to negotiate with utilities for intervenor funding in order to represent low-income customers in PUC proceedings, and establish the Office of the Low-Income and Environmental Justice Advocate as a separate office within the PUC. The bill, as drafted at the time of this report, would also direct the PUC to establish a public process to determine ways to mitigate differential energy burden on classes of energy customers, including allowing the PUC to develop a differential rate based on income level or consider new weatherization or demand response programs. This is an indication of the importance of evolving the PUC’s mandate to include social equity and environmental justice, which has not been previously apart of the PUC’s decision-making authority.

Additionally, HB 2020, the Oregon Climate Action Program, as introduced would authorize the PUC to allow rates or rate schedules to include differential rates to enable public utilities to assist low-income residential customers.

The results of the current legislative session will determine any changes to the PUC’s mission and/or regulatory authority. Those decisions will impact the PUC’s work in 2019.
**2018 Environmental Justice Efforts at the PUC**

**CONSUMER ADVOCATE & RESOURCE**

The Consumer Services Division acts as a resource for Oregonians by providing information directly to residents about their utility service, proceedings at the PUC, and managing complaints. This division provides case management to complaints by customers, ensuring resolutions are sought from utility companies.

Consumer Services advocates on behalf of consumers with the utility service providers, and determines whether regulated companies are complying with Oregon statutes and administrative rules. Throughout 2018, our Consumer Services team:

- Handled approximately 4,100 phone calls from customers with questions/concerns about their utility services and/or provider.
- Processed 3,900 Emergency Medical Certificate notices, which ensure services provided by regulated utilities cannot be shut off due to missing a payment for qualified individuals with certain medical conditions.
- Opened 2,200 cases for investigation due to complaints about utility service.
- Helped customers recover $126,950 in overcharges by their utility service providers.

**SENATE BILL (SB) 978**

SB 978 required the PUC to establish a public process to investigate how developing industry trends, technologies, and policy drivers may be impacting the existing electricity regulatory system. This process included a wide variety of stakeholders, some representing groups who have a long history with the PUC, some representing groups new to the PUC’s forum, and others participating as members of the public. The final report was filed in September 2018 with the Legislature and findings were presented to the House Energy and Environment Committee.

The SB 978 process was thought-provoking, not only for the PUC, but for stakeholders as well. The report identified several areas for the PUC to adapt regulatory tools to meet the changing demands on the electric system, as well as areas of convergence among stakeholders on evolving goals for the regulated utility system – specifically, climate change and equity. It also identified potential changes to the way we approach public participation in order to increase access by populations who traditionally have not been represented at the PUC.

Participants reaffirmed that safety, reliability, and affordability remain top guiding values for regulation, but also identified areas where they believe the PUC’s authority should adjust to changing societal values. An overwhelming majority shared an urgency to address climate change and to ensure affordability and equity are prioritized for all customers.

The PUC prioritized integrating these evolving objectives into the mission in ways that are consistent with the Legislature’s expectations and compatible with the PUC’s primary role as an economic regulator.
The Legislature has shown great interest in the recommendations from the SB 978 process and continued on its momentum by filing legislation on cap and trade, climate change, and a low-income and equity bill.

COMMUNITY SOLAR – GROUNDBREAKING OREGON EFFORTS

The community solar rulemaking process started as a result of SB 1547, the energy bill that increased the Renewable Portfolio Standard to 50 percent by 2040 for Oregon. Community Solar is one of the unique sections of the bill, which also included developing rules for utility Transportation Electrification programs.

Community solar creates new opportunities for customers to participate directly in new solar projects, allowing new segments of customers to share in the costs, risks, and benefits of solar generation. Participants in the program will be able to buy into a share of a solar facility through a variety of models. The solar projects will feed electricity directly into the electric grid and participants will receive a bill credit from their electric company for the amount of energy their share produces each month.

Part of what makes Oregon’s program groundbreaking is the higher than average level of low-income participation required. Increasing solar is a primary objective of most community solar programs. In Oregon, that is made even stronger by requiring 10 percent of the program be made available to low-income customers, while other states have required up to 5 percent. Also, in Oregon, both electric utilities and third-party project developers can offer community solar projects to consumers. Because other jurisdictions only offer one or the other, Oregonians will have more choice and opportunity than other similar projects around the country.

The PUC is in the process of executing a contract for third-party administration services to handle the start-up and ongoing administration of the program. The Program Administrator will subcontract a Low-Income Facilitator (LIF) to ensure that the program provides a robust opportunity for those experiencing lower incomes and that the program meets the low-income participation goals established by the legislature. The LIF will also develop guidelines for engaging low-income customers and best practices for data security and privacy. This is a new model expected to keep the needs of customers at the forefront while making the program more affordable and accessible. A low-income sub-group led by various stakeholders continued to meet in 2018 to develop low income principles and equity metrics for key elements of the implementation of a Community Solar program. The group also outlined potential scenarios under which housing providers could hold subscriptions on behalf of low-income customers, and identified potential low income incentive structures, including a review of other state program models.

ENVIRONMENTAL BENEFITS IN IMPACTED COMMUNITIES

Transportation Electrification Rulemaking Docket - AR 609

In the transportation electrification (TE) rulemaking docket, AR 609, stakeholders provided feedback encouraging the PUC to adopt TE rules that require utilities to consider electric vehicle access for underserved communities in their TE Plans filed with the PUC. Staff’s draft proposed rules would require electric companies to file a TE Plan that seeks to provide benefits for traditionally underserved communities. The utility would also be required to include a discussion of how the utility’s TE Plan,
investments, programs, and actions are expected to extend access to electric vehicles for traditionally underserved communities. The PUC is expected to adopt final rules in March 2019.

**Clean Fuels Docket – UM 1826**

In the Clean Fuels Program (CFP) electric vehicle investigation, docket UM 1826, utilities are currently developing programs to support the goal of electrifying Oregon’s transportation sectors. Program Design Principles were developed collaboratively by PUC staff and stakeholders in the investigation process. Program Design Principle 3 guides utilities to provide benefits to underserved communities through their programs. Program Design Principle 3 states:

- Utilities should strive to use available data, and data collected from CFP programs, to identify potential benefits that could flow to communities traditionally underserved by access to electric vehicles and electric vehicle charging infrastructure.
- Utilities and stakeholders should endeavor to engage traditionally underserved communities in program development.

Utilities will file their program proposals for the first program year by March 31, 2019.

**Oregon’s Only Coal Plant Closure**

Portland General Electric (PGE) is the owner of the Boardman plant, Oregon’s only coal-fired power facility in Boardman, Oregon. Due to new environmental standards, it was more cost effective for PGE to decommission the Boardman facility than to retrofit it to meet the new standards. The Boardman plant is slated to be decommissioned in 2020.

The Boardman closure will allow for the utilization of cleaner burning fuels, reducing pollutants released in the air of the rural Boardman area.

**Klamath River Dam Removal**

The states of Oregon and California, the United States, PacifiCorp, and other parties (including certain tribes) entered into the Klamath Hydroelectric Settlement Agreement (KHSA), dated February 18, 2010, as subsequently amended to establish a process for the removal of four hydropower facilities located on the Klamath River (Iron Gate, Copco No. 1, Copco No. 2, J.C. Boyle dams). These dams are used to generate power and not operated to provide flood control, irrigation diversion, or storage.

The Klamath River Renewal Corporation (KRRC) was created to implement the KHSA including the transfer of Federal Energy Regulatory Commission (FERC) license from PacifiCorp to KRRC; and license surrender and decommissioning by KRRC.

As part of the agreement, the Oregon and California public utility commissions have each established customer surcharges for PacifiCorp's customers for the purposes of paying the costs of facilities removal (Oregon - $184 million; California - $16 million). In Oregon, ORS 757.732 to 757.744 authorized the "Customer Contributions" and required PacifiCorp to file tariffs for the collection of two surcharges. In

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1 AR 609. Staff’s Final DRAFT Proposed Rules. [https://edocs.puc.state.or.us/efdocs/HAH/ar609hah143343.pdf](https://edocs.puc.state.or.us/efdocs/HAH/ar609hah143343.pdf)
addition to the $200 million in customer contributions, California passed a bond measure that would add up to $250 million to complete the project, reducing overall costs to Oregon customers.

In 2018, the KRRC submitted their dam removal plan to FERC, completed outreach on the project, and received the first board of consultants’ report on the viability of funding. The PUC received our first annual report from the KRRC on the status of the project and Commissioners voted to approve the continuation of the surcharge noted earlier. KRRC’s work on the removal of the dam will:

- Improve the local economy including creating local jobs and strengthened commercial and recreational fishing opportunities.
- Benefit electric customers as the cost to decommission the dams with the California bond measure is cheaper than if PacifiCorp relicensed the dams.
- Improve the health of the Klamath River including fisheries and water quality.

Native American tribes in the Klamath Basin have depended on fisheries for their livelihood and cultural practices. In recent years, poor river conditions have led to diminished harvest allocations. Restoration of the river will improve the lives, health, and economic well-being of those dependent on the river.

Irrigation-dependent Communities - Farmers and ranchers in the region will continue to receive the same irrigation and flood control benefits as they receive today. The dams which provide these services – the Link and Keno dams – will remain in place. In addition, the KHSA encourages all parties to develop new agreements to provide predictable water supplies and power rates for irrigators.

**2019 Goals**

The PUC’s work in 2019 may depend on the result of the legislative session and what bills pass that impact our work and regulatory authority.

- The PUC will work with stakeholders on follow-up actions from SB 978, as discussed above, including developing a protocol to better address participation needs of the public at the PUC.
- The PUC will review PGE’s update to its Boardman Coal Plant decommissioning plan, including aspects relating to labor and local environmental remediation, and ensure adherence to the plan and expected timeline.
- The PUC will begin implementation of final direction from HB 2242 and/or other legislation, which may include changes to the PUC’s authority and establishing the Office of the Low-Income and Environmental Justice Advocate as a separate office located within the PUC.
- The PUC will review utility plans to electrify transportation sectors, ensuring benefits to underserved communities are considered and they are engaged in program development.

Sincerely,

Megan Decker, PUC Chair
Oregon Revised Statute 182.550 requires natural resource agencies to submit an annual report to the Environmental Justice Task Force (EJTF) and to the Office of 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 traditionally underrepresented communities; and (4) Improve plans to further the progress of environmental justice in Oregon.

The Oregon Department of Agriculture (ODA or Agency) is committed to addressing environmental justice issues and promoting public participation efforts related to the agency. ODA has policies and procedures in place to ensure it meets these efforts and supports progress on environmental justice. The following 2018 activities represent the agency’s commitment to that effort:

ODA rolled out the first edition of its five-year Strategic Plan (2018-2023) in July 2018. The Strategic Plan lays out the objectives and tools needed to serve the changing needs of Oregon’s diverse agricultural and food sectors. The agency’s core values described in the Strategic Plan include a commitment to diversity and inclusion. Oregon, and Oregon agriculture in particular, is highly diverse, ranging from large to small, rural to urban, experienced to new producers, located in a wide range of geography and operated by people of many backgrounds, histories, cultures, and interests. Outreach efforts in 2018 to increase representation of Oregon’s diversity in agriculture has positively impacted participation in our Boards and Commissions. Over the past few months, ODA programs have identified short-term, measurable strategies to implement the strategic plan, and will continue to do so over the next year. The strategic plan is available at [http://www.oregon.gov/ODA/shared/Documents/Publications/Administration/StrategicPlan.pdf](http://www.oregon.gov/ODA/shared/Documents/Publications/Administration/StrategicPlan.pdf)

ODA has committed a Citizen Advocate and Liaison position to serve as the agency representative to the EJTF. ODA actively participates in the EJTF meetings to report agency related environmental justice (EJ) activities and inform the agency of EJ issues. In 2018, ODA created an EJ webpage that serves as a resource for interested parties and can be found at [https://www.oregon.gov/ODA/AboutUs/Pages/EnvironmentalJustice.aspx](https://www.oregon.gov/ODA/AboutUs/Pages/EnvironmentalJustice.aspx) The Citizen Advocate serves on the planning committee for Oregon’s annual Diversity and Inclusion Conference which provides relative training and education to state employees. Additionally, the Citizen Advocate regularly attends the Governor’s Diversity & Inclusion/Affirmative Action bi-monthly
meetings and was an integral part in updating the agency’s Affirmative Action Plan.

ODA has a designated Tribal Liaison. The role of this position is to inform and, when appropriate, consult with Oregon’s nine (9) federally recognized tribes on ODA’s activities. In September 2018, ODA’s Citizen Advocate was assigned the Tribal Liaison duties. ODA staff are regularly provided with trainings and information to assist in improving good working relationships with tribal nations in Oregon. ODA’s website has a dedicated Oregon Tribes webpage that provides resources and contact information for interested parties. Multiple ODA staff from all program areas work with tribal nations on a wide-range of topics throughout the year. Some of these activities are captured in this report, however to see a full report of ODA’s annual government-to-government activities please visit ODA’s Oregon Tribes webpage at https://www.oregon.gov/ODA/agriculture/Pages/Tribes.aspx

ODA directly supports and administers programs that benefit EJ communities. Among these programs is the Farm to School Program, which leverages public and private resources to bring more Oregon grown and processed foods to school children. ODA partners with the Department of Education’s Farm to School Education Grants to deliver food, agriculture and nutrition to Oregon schoolchildren. In 2018, twenty-two (22) organizations were awarded education funds including Soil and Water Conservation Districts, environmental service organizations, school districts, and agriculture groups.

Although the FoodCorps, which is a national service program, is no longer hosted by ODA, the Agency continues to serve as a state advisor to FoodCorps Oregon. There are ten (10) FoodCorps service members serving nine (9) communities in Oregon. Service members work in low income and under-resourced schools teaching kids where their food comes from, how to grow it, and how to make healthy choices every day through school garden, environmental and nutrition education. ODA also participates in the Oregon Hunger Task Force which was established to end hunger before it begins by addressing root causes.

The Farm Direct Nutrition Program (FDNP), is jointly administered by the Oregon Health Authority (OHA) and ODA to provide eligible, low-income seniors and WIC (Women, Infants and Children Special Supplemental Nutrition Program) families with assistance to purchase fresh, locally grown fruits, vegetables and cut herbs from authorized farmers selling directly to consumers. This provides an additional source of nutritious food and education on selecting and preparing fresh produce to qualifying recipients while supporting local farm stands and farmers’ markets.

ODA staff volunteer their personal time to assist in repackaging food at a local foodbank. In 2018, a total of 167 volunteers spent 336 hours to repackage 27,152 pounds of food to feed those in need at the Marion Polk Food Share
location. Additionally, ODA participates in the Governor’s State Employee Food Drive, an annual event that collects non-perishable food items and monetary support that goes to help those in need in our state. In 2018, ODA employees donated 358 pounds of food and contributed $5,536 to help support those in need.

ODA also has regulatory and consumer protection-related programs that may intersect with EJ communities:

The Weights and Measures Program (WMP) provides consumer protection, fair competition among businesses, and facilitates interstate commerce and international trade by assuring the accuracy of all licensed commercial weighing and measuring devices in Oregon. The WMP inspects approximately 60,000 devices in approximately 12,800 businesses each year which are used to weigh or measure an estimated $107 billion of goods and products in Oregon. This program also maintains custody of Oregon’s mass and volumetric standards for measurement, which are used to provide precision calibration and traceability for Oregon’s commercial weighing system. Calibration services are provided to over 141 private businesses annually in order to help strengthen Oregon industry’s competitiveness.

The Motor Fuel Quality Program (MFQP) provides consumer protection by ensuring that the estimated 2.1 billion gallons of motor vehicle gasoline and diesel fuel sold in Oregon each year meet national standards for quality and comply with Oregon's Renewable Fuel Standard (10% ethanol in gasoline and 5% biodiesel in diesel fuel). Annually, inspectors screen approximately 3,600 samples of gasoline for octane levels, inspect 5,500 fuel storage tanks for excessive water and other contaminants, and pull approximately 120 official fuel samples that are tested at a private lab for state and national specification compliance.

The Insect Pest Prevention & Management (IPPM) Program works to protect Oregon’s agriculture, horticulture, natural resources, and quality of life from invasive insect pests. In 2018, IPPM continued its’ second year of the multi-year eradication program to combat the destructive Japanese Beetle (JB) found in Washington County. When the expansion of the treatment area was identified, outreach and education efforts were made to notify all households affected. From January to March, IPPM staff worked hard to inform residents and businesses in the treatment area about the importance of protecting Oregon from JB, as well as gather consent from residents to allow IPPM to treat the properties. To inform residents about the project, letters were mailed, notices were posted on doors, and articles were included in homeowner’s association and industry newsletters. In addition, three open house events were held in collaboration with partner agencies and stakeholders in the area to provide residents and opportunity to learn about the project, ask questions, and have conversations about their
concerns. Approximately 5,800 properties, 5 schools, 4 large parks, 2 shopping centers, and 1 golf course were treated, totaling 2,000 acres. Additional information about 2018 activities can be found in ODA’s Plant Protection & Conservation Programs Annual Report.

The Food Safety Program ensures food is safe for consumption and works with food establishments to prevent foodborne illness, which can be a particular concern in low-income and other EJ communities. Several studies (https://consumerfed.org/pdfs/Child-Poverty-Report.pdf; https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3774461/ ) have documented higher rates of foodborne illness; higher bacterial numbers in several food products; and an increase in food safety violations in high-poverty areas in the United States, underscoring the importance of regular food safety inspections in EJ communities to protect the public. The Food Safety Program remains committed to support its clients’ diversity. In 2018, the Dairy Program translated the milk pasteurizer exam into Spanish and plans to translate other exams and study materials in the future. Additionally, a member from the Columbia River Inter-Tribal Fish Commission joined the Food Safety Advisory Committee.

On December 15, 2018 ODA deployed a team of 22 personnel to California following a request from California Office of Emergency Services to assist in the disaster recovery effort for the Camp Fire in Butte County California. ODA partnered with Washington, Josephine, and Jackson Counties as well as Oregon Humane Society, Rouge Valley Humane Society, Oregon State University College of Veterinary Medicine and the Oregon Veterinary Emergency Response Team to put together a veterinary and shelter management team for the care of the animals impacted by the fire. The team was deployed to the primary animal shelter that housed around 500 animals. They led the shelter’s transition from and emergency operations to a long-term animal care focus. The Oregon team brought back a wealth of experience to share within Oregon at both the state and local levels to improve our state’s readiness for animal related disasters.

Additionally, ongoing Food Safety Program activities that particularly benefit EJ communities include the following.

- ODA Food Safety Inspectors check expiration dates on certain products, including baby formula, during inspections to ensure they are not beyond the expiration date.
- The Food Safety program tracks the number of businesses whose preferred language is other than English. There are approximately 80 businesses where the operator prefers Spanish, Chinese, Vietnamese, Thai, Burmese, Korean, or Russian. Many ODA food safety inspectors speak multiple languages, and inspectors provide educational assistance to all the firms they inspect to help them understand and meet food safety requirements.
Some smaller convenience stores and markets, including those who serve EJ communities, may need extra assistance in proper food handling and storage, including keeping foods out of the temperature danger zone, handling and preparing food safely, and purchasing food from approved (licensed) sources. ODA provides this extra assistance when needed, with a focus on educating store managers and employees on strategies to comply with Oregon’s food regulations.

ODA commonly provides food recall information in several languages and tries to provide the information in a way that reaches affected businesses and consumers.

The Animal Health Program tracks livestock movement in and out of the state, establishes disease testing and vaccination requirements for interstate movement, conducts outreach and education about livestock disease prevention, and investigates reports of certain livestock diseases. Outreach and education materials are available in multiple languages. The program has especially focused on poultry producers, ranging from backyard poultry to large-scale poultry operations, providing information on how to prevent avian influenza and other serious avian diseases.

The Livestock Identification Program works to deny a market for stolen livestock through registration of brands and brand inspections. The program’s brand application has been translated into Spanish, and the program communicates with customers who are more comfortable receiving written correspondences in Spanish.

The Natural Resource Program Areas aim to conserve, protect, and develop natural resources on public and private lands in order to ensure that agriculture will continue to be productive and economically viable in Oregon. Natural Resources Programs work to do the following: address water quality and natural resource conservation on agricultural lands; protect Oregon’s environment and public health by ensuring the proper and legal sale, use, and distribution of pesticide products; and assist local soil and water conservation districts as they help landowners properly manage Oregon’s natural resources. During a Natural Resources all staff meeting held in January, Michael Karnosh, Ceded Lands Program Manager with the Confederated Tribes of Grand Ronde gave a presentation, “Consultation on Tribal Lands: History, Perspectives and Practices.”

The Confined Animal Feeding Operation (CAFO) Program is operated in conjunction with the Oregon Department of Environmental Quality (DEQ) under a Memorandum of Understanding and overseen by EPA. The program issue permits to qualifying CAFOs and provides inspection oversight to protect Oregon’s water quality by preventing animal wastes from entering surface and ground water. The CAFO program has incorporated EJ outreach activities to the CAFO Notice and Public Participation checklist for use in all of its noticing activities. Additionally, the CAFO National Pollutant Discharge
Elimination System (NPDES) Permit and public notice documents also have been translated into Spanish and are available online. The CAFO program also has native Spanish speaking staff to assist permittees and the public. In 2018, the CAFO Program Manager, Tribal Liaison, and Citizen Advocate provided regular updates to one of Oregon’s federally recognized Tribes regarding a permitted CAFO with significant compliance concerns in their region of interest, and the Citizen Advocate and Liaison also provided regular updates to the EJTF regarding this operation.

The Smoke Management Program administers the rules for field burning in the Willamette Valley to reduce smoke impacts to populated areas in the interest of public health and welfare. Based upon the “Summary of the 2018 Field-Burning Season” document, there were a total of 15 days when burning was conducted during the 2018 season; four of the 15 days resulted in light impacts to municipalities. Nephelometers, which measure particulate in the air, are located in Carus, Detroit, Eugene, Lyons, Mill City, Portland, Salem, Silverton, Springfield, and Sweet Home. Lyons experienced four hours of light impact over three days. Mill City experienced four hours of light impact over three days. A total of 89 complaints were received for the season. During the 2018 season, there were several wildfires burning in the Pacific Northwest and California that impacted air quality in many populated areas throughout the state. The full report can be accessed on ODA’s Smoke Management Program webpage.

Agricultural Water Quality Program staff have been working with multiple partners, including the Klamath Tribe, to address water quality concerns from agricultural activities adjacent to Klamath Lake. The Klamath Tribe has been participating as part of a technical team to evaluate water quality data around the lake to develop projects with local landowners. ODA staff met with the Klamath Tribe to discuss concerns regarding agriculture in the Klamath Basin and water quality issues, including the agricultural water quality plan for the area. Water Quality staff participated in the Sucker Recovery Summit held in November with the Klamath Tribe. Additionally, Water Quality staff participated in the Within Our Reach Conference held in Salem in December that brings partners together to “explore the ecological, social, and cultural dimensions of river health, from restoring the habitat and connecting people to the river to advancing diversity, equity and inclusion within the Willamette River restoration movement.”

The Pesticide Program continues to increase efforts to reach and serve Spanish-speaking pesticide applicators and workers. The following are highlights of these efforts:

- Collaborated with OSU’s Pesticide Safety Education Program (PSEP) to deliver Spanish-language handler training during a series of events targeting the nursery industry, and other events open to anyone wishing to attend.
• Continued WPS handler trainings and presentations to diverse audiences.
• Participated in discussions with Oregon Law Center and Oregon Employment Department to develop methods for providing pesticide safety outreach to Spanish speaking agricultural workers.
• An ODA staff member is on the general advisory committee and the bilingual subcommittee for the development of OSU’s Solve Pest Problems resource, which aims to reduce the impacts of pests and pest management practices on people and the environment in non-agricultural settings. The resource will be rolled out in both English & Spanish.
• Actively participated in events and workshops throughout the state that emphasize minority groups to provide outreach and education about pesticide safety and pollinator protection.
• Provided an ODA Laws & Safety update via an OSU webinar designed to reach 27 cities, including many in rural areas.
• Continued participation on the Oregon Bee Project steering committee conducting pesticide and pollinator outreach in English and Spanish, and development and translation of printed resources addressing pesticide and pollinator topics.

The Pesticide Analytical and Response Center (PARC) is mandated to collect pesticide-related incident information and coordinate in making appropriate referrals to PARC member agencies. PARC contracts with 211info to provide a 24-hour hotline to receive pesticide-related calls. The hotline provides assistance to customers with access to an interpreter service with more than 140 languages.

ODA will continue to make improvements to its processes by increasing knowledge and understanding about environmental justice issues that intersect with our agency. ODA welcomes any feedback that could help support these efforts.
OREGON OFFICE OF STATE FIRE MARSHAL

ENVIRONMENTAL JUSTICE TASK FORCE

2018 ANNUAL REPORT

Prepared March 1, 2019
OSFM Mission Statement

The Mission of the Oregon Office of State Fire Marshal (OSFM) is to protect citizens, their property, and the environment from fire and hazardous materials by providing Premier Public Safety Services. The OSFM accomplishes this mission through efforts focused on fire and life safety prevention, investigation, education, and HAZMAT regulation, planning, and response.

Given its mission, the OSFM is designated as a “natural resource agency” under ORS 182.535. The OSFM employs five critical agency programs to engage in the environmental justice landscape:

- The Oregon Community Right-to-Know program
- The State Emergency Response Commission
- Local Emergency Planning Committees
- The Regional Hazardous Materials Emergency Response Teams program
- Hazardous Materials Transportation by Rail program

As the OSFM’s 2018 Annual Report to the Environmental Justice Task Force, this document provides details on these four programs, how they succeed in collaborative governance, and activities accomplished in 2018 that encourage public engagement in agency decisions affecting the environment in which people live, work, learn, practice spirituality, and play.
Table of Contents

Community Right-to-Know Program ....................... 2
State Emergency Response Commission .................. 3
Local Emergency Planning Committees ................... 4

Regional HazMat Emergency Response Teams ............. 5
  Oregon HazMat Emergency Response Teams Conference .... 5
  State HAZMAT Team Responses .................................. 6
  Substances Handled by State HAZMAT Teams in 2018 (Graph) .... 6
  Hazardous Substance Units Released vs. Saved (Graph) .... 7
  Outreach ...................................................................... 7

HazMat Transportation by Rail Program ................. 8
  State HAZMAT by Rail Emergency Plan .................. 8
  Local HAZMAT by Rail Emergency Plans ................ 9
  Tabletops Exercises and Community Forums ............ 9
  Full-Scale Exercise .................................................. 13
Overview

In 1985, the Oregon Legislature passed the Oregon Community Right-to-Know (CR2K) and Protection Act. The purpose of this law is to provide first responders and the public with information about hazardous substances in their response areas and neighborhoods. The law directs the Office of State Fire Marshal to survey business and government facilities for information about the presence of hazardous substances and to collect information about incidents involving hazardous substances. Once collected, the information is made available to the general public in order to aid in familiarity with the hazardous materials in their communities.

The very basis of the CR2K program – enabling citizens the “right to know” about the presence of hazardous substances in a community – achieves many of the benchmarks of collaborative governance:

- **Accountability**: creating opportunities for meaningful involvement of potentially affected communities result in greater legitimacy of agency action through increased public trust and support.

- **Transparency**: meaningful involvement requires increased awareness of agency actions and source information, which decreases the likelihood of mistakes, arbitrary or capricious decisions, and abuse of power.

- **Health-oriented**: ensuring full disclosure of potential health risks and providing technical assistance to EJ communities will help orient agency consideration of health-based considerations, especially those grounded in cultural differences that may otherwise be overlooked.

2018 Accomplishments

The OSFM Community Right-to-Know Program’s new online hazardous substance reporting tool called the Oregon Community Right-to-Know Hazardous Substance Manager (CHS Manager) went live in 2018. It replaces the Hazardous Substance Information System (HSIS) process.

CHS Manager provides a highly efficient means for facilities to not only report their hazardous substances, but to upload safety data sheets, facility maps, and emergency plans. This information is immediately accessible by 911 services, first responders, and health officials in the event of a hazardous substance emergency. It also increases the availability of information for emergency planners and the public.

As a result of this transition, CR2K will no longer be issuing the HSIS software through online downloads and CD distributions. Instead, emergency planners, hazmat teams, first responders, and the public will be able to log into CHS Manager online to view hazardous substance information and conduct advanced searches using an abundance of available search criteria.
An added benefit for emergency planners and first responders is the option to receive instant email notifications when a facility within their jurisdiction files a new report, adds or removes a hazardous substance, or makes changes to substance storage information. They will also be able to see facilities that store hazardous substances on a map in relation to schools, hospitals, and childcare and nursing facilities. “Vulnerability zones” can also be created to show these “at risk institutions” and census data within a selected radius.

The State Emergency Response Commission (SERC)

The Office of State Fire Marshal adopted OAR 837 Division 095. These rules designate emergency planning districts as required by the Emergency Planning and Community Right to Know Act (EPCRA) of 1986 (42 U.S.C. Chapter 116, Section 11001 et seq.); and establishes the State Emergency Response Commission Executive Committee and Emergency Planning Districts, otherwise known as Local Emergency Planning Committees (LEPCs).

Overview

In Oregon, statute identifies the State Fire Marshal as the SERC. The SERC Executive Committee was established to provide input and recommendations to the SERC on activities related to EPCRA. The duties of the SERC Executive Committee are to advise the SERC on designation of emergency planning districts and questions regarding the creation or dissolving of LEPC’s, be involved with the review of plans developed by LEPC’s, support LEPC efforts to implement EPCRA, and assist with hazardous materials training, education, and outreach activities in support of the SERC and LEPC’s.

The SERC Executive Committee meets approximately three times a year and membership on the committee is comprised of representation from the following agencies and stakeholder groups:

<table>
<thead>
<tr>
<th>Oregon Office of State Fire Marshal</th>
<th>Office of Emergency Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oregon Department of Transportation</td>
<td>Oregon State Police</td>
</tr>
<tr>
<td>Governor’s Office</td>
<td>Oregon Health Authority</td>
</tr>
<tr>
<td>Oregon Department of Environmental Quality</td>
<td>Local Emergency Management</td>
</tr>
<tr>
<td>Oregon Emergency Management Association</td>
<td>Local Emergency Planning Committees (LEPC)</td>
</tr>
<tr>
<td>Industry</td>
<td>Oregon Fire Chiefs Association</td>
</tr>
<tr>
<td>Regional Hazardous Material Response Teams</td>
<td>Oregon Sheriffs Association</td>
</tr>
<tr>
<td>Oregon’s Tribes</td>
<td>Association of Oregon Counties</td>
</tr>
</tbody>
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Local Emergency Planning Committees (LEPC)

Overview:
In Oregon, the SERC has chosen to establish counties as the geographic footprint of an emergency planning district, or LEPC. It is also permissible for multiple counties to work together in a joint-LEPC. The Mid-Valley LEPC, for example, is made up of Linn and Benton Counties.

Local Emergency Planning Committees represent the essence of collaborative governance at the local level through the following benchmarks:

- **Capacity Building** – collaboratively working with community-based organizations and increasing community capacity to participate affords an agency the opportunity to take advantage of the knowledge and expertise of local communities while strengthening their partnership abilities.

- **Engagement** – Meaningful involvement requires early, frequent, and continuous public engagement throughout the decision-making process, ensuring that impacted communities not only have the technical ability, but also the resources to meaningfully participate.

LEPC membership must include (at a minimum), elected state and local officials; police, fire, civil defense, and public health professionals; environment, transportation, and hospital officials; facility representatives; and representatives from community groups and the media.

Under EPCRA, LEPCs must develop an emergency response plan, review the plan at least annually, and provide information about the community response plans to citizens. According to EPCRA, the emergency response plan must include the following elements:

- Identification of facilities and transportation routes of extremely hazardous substances
- Description of emergency response procedures, on and off site
- Designation of a community coordinator and facility emergency coordinator(s) to implement the plan
- Outline of emergency notification procedures
- Description of how to determine the probable affected area and population by releases
- Description of local emergency equipment and facilities and the persons responsible for them
- Outline of evacuation plans
- A training program for emergency responders (including schedules)
- Methods and schedules for exercising emergency response plans
2018 Accomplishments

Through the federal Hazardous Materials Emergency Planning (HMEP) Grant, the Oregon SERC funded nearly $250,000 in hazardous material emergency planning, training, and exercises events, including:

- A full-scale chlorine release community response exercise in Philomath
- Two table-top exercises, one in Pendleton and one in Hermiston
- An extremely hazardous substance (EHS) evacuation plan for Umatilla Co.
- Three EPCRA-compliant LEPC plans, one each in Clackamas, Coos, and Multnomah counties
- HAZMAT response training courses taught in Banks, Washington Co. and Portland

Two counties – Clackamas and Malheur – joined Oregon’s growing LEPC community in 2018 by formally establishing their local emergency planning committees.

The Regional Hazardous Materials Emergency Response Teams (RHMERT) program

Overview:

Oregon’s Regional Hazardous Materials Emergency Response Teams (RHMERT) protect life, property and the environment by responding to chemical emergencies and minimizing the dangers associated with them. There are 13 teams strategically positioned across Oregon to provide response to hazardous materials incidents. This program is based on a partnership with local government, the OSFM, and the petrochemical transport industry wherein resources are shared to create a program that is both economical and successful.

The OSFM works with the HAZMAT teams to ensure proper training, equipment, and medical exams are provided to responders. Teams consist primarily of volunteer and career firefighters, with some law enforcement and public works employees. Team members attend a minimum of 160 hours of specialized training to become Hazardous Material Technicians.

OSFM ensures that parties responsible for the incidents are billed for the cost of mitigation and that the contracted teams are compensated for the allowable expenses. The HAZMAT teams work with and train local responders and industry to assure local communities are prepared to respond to a hazardous materials incident and create a safer community.

2018 Accomplishments

Oregon Hazardous Materials Emergency Response Teams Conference

The biennial Oregon Regional Hazardous Materials Emergency Response Teams Conference was held in April 2018 at Sunriver.

The conference delivered 4,080 total personnel hours of training to 136 attendees on
HAZMAT transportation incident management strategies, life safety rescue techniques, product detection and identification methods, spill and leak control practices, and de-contamination procedures.

Additional objectives that were achieved included:

- Train emergency responders to respond safely and effectively to hazardous materials emergencies using consistent standards and best practices
- Enhance collaboration on inter-agency coordination and efficiencies
- Support the mission of the Regional Hazardous Materials Emergency Response Teams to protecting life, property and the environment by responding to chemical emergencies and minimizing the dangers associated to them.

**State HAZMAT Team Responses**

In 2018, Oregon’s 13 regional hazardous materials emergency response teams were dispatched to 63 incidents statewide to mitigate oil or hazardous materials spills or releases. These responses totaled 1,022 personnel hours.

**Substances Handled by State Hazmat Teams in 2018**

![Pie chart showing the substances handled by State Hazmat Teams in 2018]

- Other: 46%
- Diesel fuel: 22%
- Diesel: 11%
- Gasoline: 9%
- Unknown: 9%
- Ammonia Solution: 3%
Outreach

When not training for or responding to incidents, these HAZMAT teams connect with local responders, community officials, and the public through outreach activities. This type of engagement might occur at a volunteer fire department’s drill night, a public safety fair, or a community emergency planning session. In 2018, team members participated in a number of notable outreach events including:

- Portland Fire OSFM Region No. 7 HAZMAT Team members presented information on hazardous material shipments via rail and highway and the role of elected officials at the 2018 Oregon Mayors Conference in Florence. This forum permitted Oregon’s mayors to become more familiar with the transportation of hazardous materials and to help inform their establishing policy and governing their communities.

- Portland Fire OSFM Region No. 7 HAZMAT Team members participated in the Columbia Co. LEPC Safety Fair with 25 members of the public in attendance.

- Members of all 13 regional HAZMAT teams participated in the Northwest Area Committee meeting in Coos Bay. The mission of the and the Northwest Area Committee (NWAC) is to protect public health and safety and the environment by ensuring coordinated, efficient, and effective support of the federal, state, tribal, local, and international responses to significant oil and hazardous substance incidents within the Pacific Northwest Region as mandated by the National Contingency Plan (NCP).
Hazardous Materials Transportation by Rail program

Overview:
Governor Kate Brown signed HB 3225 into law on July 20, 2015, making it part of Oregon Revised Statute 453.307 to 453.414 relating to the safe transport of hazardous materials. The law provides for the Office of State Fire Marshal (OSFM) to coordinate training, preparedness, and response planning activities with a specific focus on oil or hazardous materials spills or releases that occur during rail transport.

The Hazardous Materials Transportation by Rail program provides the OSFM with a specific focus to prepare communities along Oregon’s railroads to respond to rail incidents involving hazardous materials. With a targeted concentration on communities along railroads, this program addresses another key element of collaborative governance:

- **Equity** – intentional engagement with all potentially affected communities will result in a more comprehensive analysis of potential impacts and is more likely to result in an equitable distribution of benefits and burdens

2018 Accomplishments

State HAZMAT by Rail Emergency Plan

In 2018, OSFM finalized a Hazardous Material Transportation by Rail State Agency Response Coordination Plan. This plan is an Appendix within Emergency Support Function (ESF) 10, in the Oregon Emergency Operations Plan (EOP). This plan applies whenever an incident exceeds or is anticipated to exceed local or tribal resources commanded by the agency having jurisdiction (AHJ). The level of State response to a specific incident is based on a number of factors including, the ability of local and mutual aid resources to respond, the quantity and hazard of material released, whether there is a risk of the train or hazardous materials catching fire, and the extent to which the public, property, and the environment is threatened or exposed.

As guided by HB 3225, the OSFM coordinated the development of this plan along with its Emergency Support Function #10 (Oil and Hazardous Materials) lead partner – the Oregon Department of Environmental Quality – and additional supporting agencies, including the Department of Human Services, Department of State Lands, Oregon Department of Forestry, Oregon Department of Transportation, Oregon Fish and Wildlife, Oregon Health Authority, Office of Emergency Management, and Oregon State Police.

This appendix provides information specific to emergencies involving the transportation of hazardous materials by rail and is intended to supplement and correspond to local, state, and federal plans, including ESFs #4 and #10, Geographic Response Plans (GRP), as well as the EPA Region #10 Northwest Area Contingency Plan. Key elements of the plan include:

- Guides the coordinated state agency response to railroad emergencies involving oil or HAZMAT.
• Defines the roles and responsibilities of State agencies in responding to the unique characteristics of different hazardous materials emergencies

• Discusses the specific authorities, capabilities, and assets that state government has, for responding to hazmat by rail incidents

• Discusses the integration of the concept of operations with other elements of the Oregon Emergency Operations Plan (EOP), including the unique organization, notification, and activation processes and specialized incident-related reactions; and

• Defines guidelines for notification, coordination, and public information dissemination by state agencies during emergency response and subsequent recovery operations.

The plan is available for viewing online at: https://www.oregon.gov/osp/Docs/ESF10_appendix.pdf

Local HAZMAT by Rail Emergency Plans

In 2018, the OSFM Hazmat Rail Program funded the development of eight Hazmat by Rail Emergency Response Plans for Local Emergency Planning Committees (LEPCs) and local emergency planning districts across the state. These plans focus on the top, most common hazardous commodities transported by rail through their respective areas and planned for a potential incident involving those identified commodities.

These plans contain many elements including, but not limited to: plume modeling of potential toxic gas releases, risk analysis data on worst case scenario planning, shelter-in-place strategies and evacuation routes, initial first responder checklists, equipment cache locations, and much more. These plans were developed with input from local, state, federal, tribal, and railroad industry stakeholder agencies and are intended to integrate with existing plans to provide for a more fluid and coordinated response.

<table>
<thead>
<tr>
<th>County</th>
<th>Rail line(s) traversing region</th>
<th>Estimated plan completion date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clackamas</td>
<td>Union Pacific (UP), BNSF, P&amp;W</td>
<td>Completed October 2018</td>
</tr>
<tr>
<td>Klamath</td>
<td>UP, BNSF</td>
<td>Completed August 2018</td>
</tr>
<tr>
<td>Linn-Benton</td>
<td>UP, PW, Albany Eastern</td>
<td>Completed July 2018</td>
</tr>
<tr>
<td>Marion</td>
<td>UP, P&amp;W</td>
<td>Completed August 2018</td>
</tr>
<tr>
<td>Morrow</td>
<td>UP</td>
<td>Completed June 2018</td>
</tr>
<tr>
<td>Multnomah</td>
<td>UP, BNSF, P&amp;W</td>
<td>Completed December 2018</td>
</tr>
<tr>
<td>Polk</td>
<td>P&amp;W</td>
<td>Completed June 2018</td>
</tr>
<tr>
<td>Umatilla</td>
<td>UP</td>
<td>Completed June 2018</td>
</tr>
</tbody>
</table>

Tabletops Exercises and Community Forums

OSFM staff participated in and facilitated tabletop (TTX) exercises and community forums to discuss planning and response strategies throughout 2017. These exercises and discussions revolved around hazmat by rail incidents, often in a “round table” for-
Environmental Justice Task Force Annual Report - 2018

Table: Tabletop Exercises and Discussions in 2018

<table>
<thead>
<tr>
<th>Activity</th>
<th>Community</th>
<th>Topic</th>
<th>Audience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oregon Water/Waste-water Agency Response Network (ORWARN) Conference 2018</td>
<td>Pacific Northwest</td>
<td>Mosier, Oregon Bakken Crude Oil Train Derailment Case Study</td>
<td>Civic leaders, private industry, emergency responders</td>
</tr>
<tr>
<td>Oregon Preparedness Conference 2018</td>
<td>Statewide</td>
<td>ESF 10 – Environmental Protection and Hazardous Materials</td>
<td>Emergency managers, private industry, emergency responders</td>
</tr>
<tr>
<td>Oregon Emergency Management Association Conference 2018</td>
<td>Statewide</td>
<td>Hazmat Rail Incident Response and Planning</td>
<td>Emergency managers, government executives and senior officials, non-governmental planning and response organizations</td>
</tr>
<tr>
<td>2018 Western Region State Emergency Response Commission (SERC) Conference</td>
<td>Western United States</td>
<td>Mosier, Oregon Bakken Crude Oil Train Derailment Case Study</td>
<td>Emergency managers, emergency responders, private industry, state and federal government executives and senior officials, non-governmental planning and response organizations</td>
</tr>
<tr>
<td>Continuing Challenge, California Hazmat Conference 2018</td>
<td>National Audience</td>
<td>Transportation Rail Incident Preparedness and Response (TRIPR)</td>
<td>Emergency managers, emergency responders, private industry, state and federal government executives and senior officials, non-governmental planning and response organizations</td>
</tr>
<tr>
<td>Idaho Hazmat Conference 2018</td>
<td>Idaho</td>
<td>Hazmat Rail Tank Car Specialist Training</td>
<td>Idaho Emergency managers, emergency responders, private industry, state and federal government executives and senior officials, non-governmental planning and response organizations</td>
</tr>
<tr>
<td>Oregon Mayors Conference 2018</td>
<td>Statewide</td>
<td>Hazardous Material Shipments via Rail and Highway and Responding to HazMat Incidents and the role of Elected Officials</td>
<td>Oregon Mayors, Elected Officials, community leaders, city administrators</td>
</tr>
<tr>
<td>Tabletop exercise</td>
<td>Columbia County</td>
<td>Derailement scenario involving a hazardous material release in St. Helens</td>
<td>Emergency managers, public safety, community leaders, hospital administrators</td>
</tr>
</tbody>
</table>
In 2018, the OSFM applied for grant funds to conduct a large, full-scale exercise in the spring of 2019 that was to involve and test local, state, federal, and tribal response capabilities using a simulated scenario of a train derailment that released hazardous materials. Unfortunately, grant funds were not awarded to fund the project. Conducting the proposed exercise is still strongly recommended.

Such an exercise is critical to test strategies for notifying and protecting the public, establishing incident command, implementing an incident management team, and controlling fires and chemical spills and releases. The overall goal will be to execute the successful coordinated multi-agency response to a large scale hazmat by rail incident with an effective transition from the emergency response phase to the consequence management phase.
March 4, 2019

Amira Streeter
Environmental Justice Task Force
Office of the Governor
900 Court Street NE
Salem OR 97301

Re: DSL Annual Report – Calendar Year 2018

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 real property and other resources dedicated to the Common School Fund. The Director's Office oversees administrative responsibilities for the State Land Board and directs the operation of DSL, under the jurisdiction of the Land Board in accordance with its guidance. Administrative duties include making recommendations to the Land Board and Legislature, approving policies and procedures overseeing the agency strategic plan, budget preparation, federal grants and contracts. In addition, the Director chairs the South Slough National Estuarine Research Reserve Management Commission, a policy-making board for the South Slough National Estuary Research Reserve (South Slough). The Director's Office also includes agency legislative coordination and communications.

In addition to the Director's Office and the South Slough, DSL divides its operating responsibilities into three programs:

- Aquatic Resource Management Program - focusing on the agency's regulatory and proprietary waterway management, and aquatic resource planning and protection.
- Common School Fund Property Program - consisting of the Real Property, Estates and Unclaimed Property units.

The agency headquarters are in Salem. The agency's Real Property and Eastern Region Aquatic Resource Management operations are located in Bend. South Slough is located in Charleston on the southern coast.
DSL is committed to actively assist the EJTF in the performance of its duties. DSL assigned the EJTF citizen advocate duties to the agency’s communications manager. The citizen advocate is the primary contact for coordination with environmental justice concerns:

Ali Ryan Hansen
Communications Manager
Oregon Department of State Lands
Phone: 503-986-5298
Cell: 503-510-6860
ali.r.hansen@state.or.us

The citizen advocate continues to seek, support and create opportunities for further environmental justice training for all DSL employees. The citizen advocate participates in the quarterly EJTF meetings and discusses agency-related EJTF meeting topics with appropriate management and staff. DSL’s citizen advocate also serves as the agency’s tribal liaison.

DSL has established an environmental justice webpage. Agency staff and the public can find links to valuable resources such as the “Environmental Justice: Best Practices for Oregon’s Natural Resource Agencies” handbook by the EJTF; the Environmental Protection Agency’s “EJSCREEN: Environmental Justice Screening and Mapping Tool Share”; and the EPA’s environmental justice strategy. The webpage also provides links to agency EJTF reports and EJTF citizen advocate contact information.

2018 Environmental Justice Efforts at DSL

Working with Tribal Governments

DSL continues to coordinate with Oregon’s nine federally recognized tribal governments in accordance with DSL’s government-to-government policy, which was originally established in August 1998, in response to the Governor’s Executive Order No. EO 96-30 on state/tribal relations. This policy remains in effect and commits DSL to:

- Include affected tribal interests in the review/comment of agency actions likely to affect tribal members or resources of tribal interest.
- Carefully and thoughtfully consider tribal comments concerning pending decisions and actions.
- Provide materials to natural resource agencies within each tribal government that explain DSL’s roles and responsibilities in natural resource management.

Staff participated in the Cultural Resources and Natural Resources Workgroup meetings throughout the year. In addition, executive staff attended the Legislative Commission on Indian Services’ Spring Discussion at Willamette University on May 15; and the Annual State-Tribal Summit on November 27 at Grand Ronde.

Staff members from different programs participated in multiple forms of communication and coordination with tribal representatives and workgroups. Increased efforts were made in outreach including requests for comment and participation with potentially affected tribes regarding removal-fill permit and land management activities, decisions and potential regulatory process changes. DSL executive staff engaged in government-to-government consultation with tribes on several high-profile projects including Willamette Falls fishing platforms and the
evaluation of options for management of South Slough. DSL’s coordination with the tribes is detailed in the agency’s 2018 Annual Government-to-Government Report.

DSL’s Multicultural Awareness Committee also provides information on National American Indian Heritage Month for all staff and posts the Governor’s proclamation in November of each year.

**Multicultural Awareness Committee**

The Multicultural Awareness Committee (MAC) fosters an inclusive environment within DSL, and includes the following areas of focus:

*Awareness:* The committee promotes everyday awareness of the diverse nature of the people and cultures that comprise DSL’s staff and Oregon’s population. The committee looks for opportunities to celebrate diversity in ways that ensure an open and inclusive workplace.

*Training:* The committee provides agency-wide biennial training on multicultural awareness to:

1. Ensure that all employees possess social and cultural awareness that will allow them to effectively interact with a diverse community and workforce.
2. Increase employees’ on-the-job effectiveness by fostering acceptance of cultural differences.

DSL’s 2018 Diversity Training “Our Community and You” was held September 25-26 and included a session with the Oregon Department of Education on work happening in schools related to LGBTQIA; a workshop with Basic Rights Oregon on building a more affirming environment for trans co-workers and clients and bridging the gap between legal and truly lived equality; and a panel discussion with Marion/Polk Peer Coalition organizations on the topic of mental illness, substance abuse, and homelessness.

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.

**Customer Engagement Strategy**

The agency’s *Strategic Plan*, adopted in 2017, includes an objective to “*Develop and implement a customer engagement strategy, which includes program-specific customer service improvement plans.*”

In 2017-18, a group of staff representing each agency program worked to develop informational, user-friendly guidelines that outline DSL’s shared philosophies, standards, and responsibilities when engaging with our customers. The work group reviewed and used the EJTF Best Practices Handbook in drafting the guidelines. The work group also solicited feedback from both internal and external customers through the review of the draft document and the completion of a short survey. A member of the EJTF participated in this review and survey.
DSL’s Customer Engagement Guidelines were finalized and implemented in 2018 and are attached to this report. Implementation included trainings, led by work group members, for DSL staff.

Outreach and Public Participation

DSL is guided by the EJTF Best Practices Handbook and EJSCREEN in developing public engagement and outreach plans. EJSCREEN is used to evaluate proposed waterways management and removal/fill permit activities, with data on the demographic index, low-income households, and linguistic isolation used to flag activities needing further evaluation. Any demographics over the 80th percentile are flagged for further evaluation.

DSL has continued to implement a rulemaking outreach strategy originally developed in 2016. DSL engages in many rulemaking efforts annually, with various staff leading those efforts. The goal of the outreach strategy is to provide guidance and consistency on how to promote meaningful public participation in these rulemaking efforts through the appointment of rules advisory committees, public meetings and hearings in affected communities, and public comment.

Significant public participation efforts in 2018 included:
- Comment for the Jordan Cove Energy Project removal-fill permit application: DSL developed a public comment approach that sought to reach many people and provide several opportunities for comment and to learn about the application. Multiple strategies were selected with environmental justice in mind, including having hearing locations, times, and formats that created accessible and easy opportunities to comment; offering older attendees and people with disabilities the opportunity to comment early during hearings; making translation available for oral and written comments; and providing extensive notice of comment opportunities via channels that would reach the widest audience, including underrepresented communities. DSL also reached out directly to tribes to gather information and hear input regarding the application.
- Elliott State Forest Public Ownership Project: In December 2018, the State Land Board directed DSL to work with Oregon State University to develop a plan for transforming the Elliott State Forest into a research forest. The plan will be developed in a robust, transparent process that engages many. Development of the process is underway and associated stakeholder and public engagement efforts will begin in 2019. The EJTF Best Practices Handbook will be used to guide development of engagement and outreach efforts.

2019 Goals

In 2019, DSL anticipates soliciting feedback from internal and external customers regarding the newly implemented Customer Engagement Guidelines as part of ongoing efforts to ensure our approach and best practices for engagement are effective.

DSL also intends to continue with our current working groups and practices while looking for ways to improve public participation in rulemaking efforts, permit review and other agency decisions that affect communities of color, low income communities, tribal nations and other communities traditionally underrepresented in public processes. DSL will continue to use
EJSCREEN and the EJTF Best Practices Handbook to look for ways to improve outreach to affected communities.

I am extremely proud of our work thus far. DSL is committed to continuing to support the EJTF’s efforts, to expand our understanding of environmental justice issues and to improve outreach with environmental justice communities.

Sincerely,

Vicki L. Walker
Director
March 4, 2019

Joel Iboa, Chair  
Environmental Justice Task Force  
Causa Oregon  
700 Marion Street NE  
Salem, OR 97301  

Amira Streeter, Natural Resources Policy Advisor  
Governor’s Natural Resources Office  
900 Court Street NE, 254  
Salem, OR 97301  

Dear Mr. Iboa and Ms. Streeter:

The Department of Geology and Mineral Industries (DOGAMI) is committed to ensuring environmental justice is integral to our mission of providing earth science information and regulation to make Oregon safe and prosperous.

Ben Mundie serves as DOGAMI’s State Agency Citizen Advocate for the Environmental Justice Task Force. Mr. Mundie is also the agency’s liaison to the Legislative Commission on Indian Services Cultural Resource Cluster and Natural Resource Work Group. These roles provide a valuable opportunity to coordinate, consult, and act to further the progress of environmental justice across Oregon.

In fulfillment of our annual reporting responsibilities under ORS 182.550, we respectfully submit the following Environmental Justice Task Force report for the year 2018.

Sincerely,

Brad J. Avy  
Director  

cc: Ben Mundie
Natural resource agencies are required to submit an annual report to the Environmental Justice Task Force and to the Governor summarizing the agency’s efforts to address environmental justice issues (ORS 182.550). The annual report documents the agency’s commitment to: address environmental justice issues; increase public participation of individuals and communities affected by the agency’s decisions; determine the effects of the agency’s decisions on traditionally underrepresented communities; and improve plans to further the progress of environmental justice in Oregon.

Address Environmental Justice Issues

The agency’s Geological Services and Survey (GS&S) program develops information to help Oregon communities manage natural resources and prepare for natural hazards. The primary environmental and social justice issues for this program include ensuring agency-generated information is available for all communities affected by hazards and reaches all people. The communities and stakeholders potentially affected by GS&S activities are those located in geographic areas affected by natural resource management issues (including water resources and ecosystem health) and affected by natural hazards.

The agency’s Mineral Land Regulation and Reclamation (MLRR) program regulates statewide mining, oil and gas, and geothermal development. The primary environmental and social justice issues for this program include ensuring protection of the environment and cultural and historic resources during 1) permitting and operation of mineral development activities and 2) reclamation and restoration of disturbed lands.

The communities and stakeholders potentially affected by MLRR projects include the nine federally recognized Tribes of Oregon; historic and cultural resource stakeholders; and those communities and people adjacent to mineral development sites. Impacts to the surrounding community and people are part of the agency’s regulatory responsibilities. Local land use departments have siting authority and primary responsibility for mitigating local social impacts.

Within both programs the agency works closely with federal, state, and local partners to identify key stakeholder groups for engagement in specific permits and projects. Such groups may include Tribes, watershed and environmental councils, emergency preparedness groups, school districts and education organizations, health organizations, and community development organizations.
Increase Public Participation of Individuals and Communities Affected by Agency Decisions

As part of the MLRR program permitting process, the agency engages Tribes, the local land use department, the State Historic Preservation Office, and other local, state, and federal natural resource agencies for review and comment on proposed mineral development projects. For Chemical Processing Consolidated Permit applications, the MLRR program is required to prepare or hire a third-party contractor to prepare a socioeconomic impact analysis including Environmental Justice issues that identify and describe the positive and negative impacts of the proposed project and alternatives.

The agency actively participates in the Cultural Resource Cluster and the Natural Resource Cluster groups of the Legislative Commission on Indian Services, the Environmental Justice Task Force, and the Intergovernmental Cultural Resource Council.

The agency circulates all mineral development permit applications to stakeholders for review and comment, and addresses concerns raised through conditions of the operating permit. When requested, the agency meets with individual Tribal representatives regarding permitting, natural resource, and natural hazard projects. Working closely with local communities the agency seeks to identify engagement needs for projects and permitting activities with approaches that may include:

- Attending and participating in public meetings and hearings
- Meeting with specific stakeholder groups
- Increasing outreach of natural hazard information through presentations, tabling at community events, email blasts, social media, and media interviews
- Developing informational materials to have a broader reach by creating materials in multiple languages and multiple formats for print and electronic distribution.

During natural hazard outreach efforts, the agency attempts to reach all affected residents by:

- Conducting door-to-door outreach
- Developing strategies to specifically reach minority and low-income residents, elderly and youth populations, and those with physical disabilities. Methods may include providing language interpreters at community meetings, presentations at assisted living facilities, and school outreach.

Determine the Effect of the Agency’s Decisions on Traditionally Underrepresented Communities

The agency is actively working with the State Historic Preservation Office and the nine federally recognized Tribes of Oregon to identify potential cultural and/or historic sites in the earliest phases of the MLRR permit application process. When concerns are raised, the operating permit may be denied, limited, or conditioned to mitigate potential impacts. As applicable, the agency requires mineral development applicants to contract with certified archaeology consultants to conduct cultural resource surveys of proposed development boundaries to ensure cultural resources are not disturbed. An environmental justice baseline study is another option used to identify potentially affected communities and provide alternatives to address impacts.
Improve Plans to Further the Progress of Environmental Justice in Oregon

The agency’s focus continues to be on increasing understanding of its role and responsibility to further environmental justice within Oregon through intentional recognition and consideration of environmental justice in its training, program and project planning, project development, and implementation.

Specifically, DOGAMI has begun to explore the question of how to more effectively distribute highly technical reports to both urban and small coastal communities with growing minority populations who, for example, may not have access to a computer, do not speak English as a first language, and will not necessarily attend a public meeting out of fear. One initial step is to routinely reach out to local groups such as the Multnomah County Office of Diversity and Equity to assist DOGAMI in making such technical information more accessible.

A strong focus on early planning is needed to ensure outreach deliverables are built into our many grant applications and as part of our agency biennial budget request. An area DOGAMI has struggled generally and is committed to improve upon is in identifying resources for public outreach at the project conceptual stage. DOGAMI currently has a vacancy in our Public Information Officer (PIO) position and will be addressing outreach needs as we refine our PIO position responsibilities and reinforce agency priorities.

In order to provide greater public participation and to ensure that all persons affected by decisions by the agency have a voice in those decisions, the agency is committed to the direction provided by ORS 182.545:

- In making a determination whether and how to act, consider the effects of the action on environmental justice issues.
- Hold hearings at times and in locations that are convenient for people in the communities that will be affected by the decisions stemming from the hearings.
- Engage in public outreach activities in the communities that will be affected by decisions of the agency.
Annual Report to the Oregon Environmental Justice Task Force and Governor

Submitted to:

Environmental Justice Task Force
Governor Kate Brown

Submitted: February 2019
This report prepared by:

Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, Oregon 97232
1-800-452-4011
www.oregon.gov/deq

Contact:
Stephanie Caldera
503-229-5301
Alternative formats (Braille, large type) of this document can be made available.

Contact DEQ, at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696.
The Oregon Department of Environmental Quality is committed to the principles of environmental justice and ensuring that the agency’s actions address the interests of Oregon communities, including minority, low-income and other traditionally underrepresented communities, as much as state and federal laws allow. DEQ greatly appreciates the leadership and partnership of the Environmental Justice Task Force on these important issues, and we look forward to continuing to work with the Task Force in 2019 to improve the state’s ability to ensure environmental justice.

Senate Bill 420 (Oregon Revised Statues 182.535-182.550), which took effect in January 2008, created requirements for DEQ and other state agencies as noted below.

182.545 Duties of natural resource agencies.
In order to provide greater public participation and to ensure that all persons affected by decisions of the natural resource agencies have a voice in those decisions, each natural resource agency shall:
(1) In making a determination whether and how to act, consider the effects of the action on environmental justice issues.
(2) Hold hearings at times and in locations that are convenient for people in the communities that will be affected by the decisions stemming from the hearings.
(3) Engage in public outreach activities in the communities that will be affected by decisions of the agency.
(4) Create a citizen advocate position that is responsible for:
   (a) Encouraging public participation;
   (b) Ensuring that the agency considers environmental justice issues; and
   (c) Informing the agency of the effect of its decisions on communities traditionally underrepresented in public processes.

182.550 Reports by natural resource agencies.
All directors of natural resource agencies, and other agency directors as the Governor may designate, shall report annually to the Environmental Justice Task Force 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 traditionally underrepresented communities; and
(4) Improve plans to further the progress of environmental justice in Oregon.
This report provides information on DEQ’s actions in 2018 in support of these requirements. For more information, please contact Stephanie Caldera, who serves as DEQ’s Environmental Justice Coordinator. Stephanie can be reached at 503-229-5301 or caldera.stephanie@deq.state.or.us.

As required by ORS 182.550, below is a summary of DEQ efforts to

(1) Address environmental justice issues;
(2) Increase public participation of individuals and communities affected by the agency’s decisions;
(3) Determine the effect of the agency’s decisions on traditionally underrepresented communities; and
(4) Improve plans to further the progress of environmental justice in Oregon.

Due to the related nature of these points, there may be some repetition in the responses below.

1. Addressing environmental justice issues

Over the past year, DEQ has taken important steps to increase staff capacity for EJ analysis as the primary way the agency builds on its framework and practices for identifying and addressing environmental justice issues in Oregon. This capacity-building ensures that environmental justice principles are part of the DEQ’s core work and not limited exclusively to consultation with the EJ Coordinator.

- DEQ’s EJ Coordinator and Northwest Region Division administrator completed trainings for all applicable staff related to the use of EJSCREEN, providing on-demand training for staff as requested after completing statewide travel to provide in-person trainings at nine DEQ office locations.
  - In 2019, “refresher” trainings for EJSCREEN are planned in spring and fall, to be provided by webinar system to allow remote participation with limited travel by staff.
- The Air Quality Program finalized, and received Environmental Quality Commission approval for, the Charge Ahead rebate. This rebate, in addition to the standard rebate of up to $2500, provides an additional $2500 for a person buying or leasing a new or used electric vehicle who provides verification of their low- or moderate-income levels as part of Oregon’s Clean Vehicle Rebate Program. The Charge Ahead rebate is explicitly designed to reduce the cost barriers for, and increase equitable access to, electric vehicle ownership in Oregon.
- DEQ’s EJ Coordinator also advised, consulted with and assisted DEQ staff and managers on specific environmental justice issues, including permitting decisions and enforcement actions, or potential issues in various DEQ programs around the state throughout the year.

DEQ employees are working statewide on a wide range of issues to protect and improve Oregon’s environment and the health of Oregon communities, including minority, low-income and other traditionally underrepresented communities. A few additional examples of agency efforts in 2018, and their incorporation of EJ principles, follow.
Agency Integrated Toxics Reduction Strategy updated, with specific EJ commitments
The 2018 Integrated Toxics Reduction Strategy, an update from the foundational 2012 strategy, included specific commitments to environmental justice. The 2018 Strategy includes 14 defined actions for reducing toxic chemicals in the environment over the next five years. Action 13, planned for initial research in 2019 and 2020 and subsequent implementation, will emphasize the focus on communities with EJ concerns related to the work of the Pesticide Stewardship Program. This voluntary program has been extremely successful in reducing the active use of pesticides for agricultural operations in several watersheds around the state. Most notably, the program’s combination of worker engagement, technical assistance and water quality monitoring led to a significant reduction of pesticide use, and associated drift/overspray and exposure concerns for agricultural workers, in the orchards and fruit production fields near Hood River and Wasco Counties. In the 2018 Strategy, EJ is explicitly brought forward as the organizing principle for the continued work of the Pesticide Stewardship Program, with DEQ’s commitment to working directly with environmentally overburdened communities.

Cleaner Air Oregon statewide rules approved, community engagement position recruitment
The Oregon Environmental Quality Commission, the policy-making body for DEQ, approved the Cleaner Air Oregon program and rules at its November 2018 meeting. This program is designed to reduce air toxics from industrial facilities as part of DEQ’s existing air permitting program and EJ factors, including inclusion in the prioritization methods, were critical to the development of the program. The emphasis is on localized impacts in communities from these sources that emit specific pollutants not otherwise regulated under state and federal permit programs. With that approval, the CAO Program was able to proceed with recruitment of a new position that will specifically engage communities and neighbors adjacent to facilities subject to the program’s reduction requirements. The facilities will be required to participate in community meetings and follow other engagement protocol to ensure that neighbors are aware of emissions and the proposed reduction mechanisms or processes. This new position is dedicated to engagement activities, which is a significant increase in capacity for the program’s ability to connect with people most burdened by toxic air pollution.

Lost Valley dairy operation permits revoked, groundwater safety key to closure
Following significant community engagement to address EJ issues, and in response to community concerns about inadequate initial outreach efforts in 2017, DEQ and the Oregon Department of Agriculture conducted additional targeted outreach with communities and organizations concerned about the proposed project. DEQ, in coordination with ODA, ultimately revoked the permits previously issued to Lost Valley Ranch. The revocation in June 2018 was based upon the operator’s inability to comply with permit conditions, which resulted in environmental and human health damage at the dairy operation in Boardman. DEQ required the operator to ensure the area’s groundwater would not be polluted after closure, and all wastes disposed of in a manner that would not risk further contamination. These two conditions are particularly important to secure long-term equity and safety of the environmental resources of the area, and to make certain that community members in and near Boardman do not face future additional burdens from poor environmental management.
Environmental Data Management System process advances, moving toward greater agency transparency and access

In 2018, DEQ moved through additional pre-approval stages to purchase an Environmental Data Management System. This EDMS project, in development since initial research stages in 2014 and 2015, will be implemented in 2019 and provides a centralized electronic system for agency work that will have an external, or public, portal. Among many other benefits, the EDMS will provide the public a single location for accessing agency information, which will provide much greater transparency for agency actions and provide more equitable access to environmental data, and the ability to more easily learn about proposed agency policy decisions, that affect the lives of people in Oregon.

2. Increasing participation of individuals and communities affected by the agency’s decisions

DEQ has taken a number of steps in the past year to increase participation of individuals and communities affected by the agency’s decisions. Many of these actions are continuations of past agency policy or decisions, and increased participation and meaningful engagement of affected communities remains a key focus of the agency’s EJ work in 2019.

- DEQ’s EJ Coordinator advises DEQ staff and managers on environmental justice issues or potential issues in various DEQ programs, including ways to provide meaningful engagement and community-based responses on agency actions.
  - DEQ maintains an external EJ web page to inform people about the agency’s EJ work and how to contact the EJ Coordinator: http://www.oregon.gov/deq/about-us/Pages/Environmental-Justice.aspx
  - DEQ’s EJ Coordinator receives and responds to questions, concerns and information from community members on an ongoing basis and assists the agency in exploring options to address EJ issues
- DEQ policies require holding public meetings, including hearings and informational meetings, at times and in locations that are convenient for potentially affected community members to attend.
- DEQ adjusts its public engagement processes to provide extra hearings, additional community meetings or other relevant actions, for permit decisions and other agency actions that have potentially significant impacts on the community or in cases where the community and individuals have been subjected to disproportionate environmental burdens.
  - In 2018, DEQ’s Northwest Region management team developed updated engagement protocols for projects of significant interest or community impact. That protocol will be used and updated throughout 2019 and shared with other offices/regions as a set of best practices.
- The Environmental Quality Commission expanded its methods for accepting public comment at meetings in 2018. The commission added additional opportunities specifically scheduled throughout the meeting agendas for the public to comment on specific agency presentations at the time of the presentation, rather than limiting comment to one specific time on the agenda, in response to community feedback that the specific timing is often inconvenient for people who work or have other daytime...
EQC also continues to use a toll-free conference line to allow remote comment from any person during the general public comment section of the regular meeting agendas. That item, known as public forum, had previously been in-person comment only, later expanded to comment possible by phone but only from a DEQ office. Both options were limiting for people living far from the meeting venue or a DEQ office and the commission started using a new, moderated phone line to allow any person to dial in from any location to provide comment, starting in 2017.

- EQC has directed DEQ to plan commission meetings at community spaces, like libraries, community centers and educational facilities, whenever feasible and to provide a community-based opportunity for engagement.
- DEQ maintains internal web pages and information for staff, providing resources to all employees to help evaluate how agency actions may affect people and communities with EJ concerns or are otherwise disproportionately burdened by environmental harms.
- DEQ continues to build stronger relationships with tribal nations on a government-to-government basis to consult on how potential agency actions may affect tribal interests and to explore opportunities for greater state-tribal partnership.

3. Determining the effect of the agency’s decisions on traditionally underrepresented communities
DEQ managers and staff work on a case-by-case basis, and with the assistance of DEQ’s EJ Coordinator when needed, to determine the effect of the agency’s decisions on traditionally underrepresented communities. Actions taken in the past year have provided additional tools and guidance for doing this.

- DEQ completed training opportunities for all staff statewide to use EJSCREEN, an evaluative tool from EPA. The training was organized by the agency’s EJ Coordinator and Northwest Region Division administrator, starting spring 2017.
- DEQ’s internal EJ web page, and related staff training, provides guidance to agency employees on how to identify and reach communities that may be affected by the agency’s decisions, understand community interests, and facilitate greater involvement in DEQ decision-making.
- DEQ continues to implement the commitments of its 2018-2020 Performance Partnership Agreement with EPA. That document is provided at the end of this report, for reference.

4. Improving plans to further the progress of environmental justice in Oregon
Throughout 2018, DEQ’s EJ Coordinator participated in a monthly workgroup with other environmental justice coordinators from states in EPA Region 10, and EPA staff, to share best practices, program case studies and opportunities for training. The ongoing learning from these workgroup sessions reinforces actions at the state and regional level and fosters collaborative work across state and government boundaries.
DEQ started the contracting process in late 2018 to secure translation and interpretation services for the agency. Previously, DEQ had opted-in to a statewide contract held by the Department of Administrative Services, DAS; however, the statewide contract expired and DAS is working to develop a more comprehensive contract for state agencies. The process for statewide contracts is time consuming and means that the DAS contract may not be in place until late 2019 or 2020. DEQ, among other agencies, will secure its own two-year contract for translation and interpretation services in spring 2019 and plans to transition to using the statewide contract after the expiry of the agency-specific contract. The contract will allow any DEQ program to easily contract for interpreters at public meetings or staff presentations and access translation services for written materials. By streamlining the processes, DEQ plans to provide better services to people engaging with the agency and provide better access to agency decision-making processes and mechanisms.

DEQ requested a new EJ and Title VI/Civil Rights position as part of the agency’s 2019-21 budget. This position, which was approved for inclusion in the 2019-21 Governor’s Recommended Budget, would be one full-time, or 1 FTE, position responsible for the primary oversight of environmental justice activities at the agency, taking on the EJ Coordinator role and expanding that work from its current allocation of 20 percent, or 0.2 FTE. This position would also serve as the Title VI/Civil Rights Act contact and coordinator for the agency, a role which is currently held by DEQ’s Human Resources manager. The position, if approved by the Oregon Legislature this spring as part of the agency’s final budget, would be hired by the end of 2019. DEQ would provide the recruitment information to the EJ Task Force and other networks to provide broad outreach to find the best candidate for the high-level position to be seated in the agency’s Director’s Office.

In 2019, DEQ will consult with the EJ Task Force as the agency updates its Performance Partnership Agreement with EPA. This agreement, updated every two years, serves as a workplan for DEQ. As has been past practice for the past several PPA updates, DEQ will bring the proposed updated information for EJ Task Force notification and review prior to finalization. That timeline is not yet set; however, DEQ anticipates the process will take place in fall 2019 and final agreement in place by April 2020.

DEQ is committed to strengthen the agency’s ability to identify and address environmental justice issues in Oregon. DEQ looks forward to continuing to work with the EJ Task Force, community members, other government agencies and project partners in this effort over the coming years.
ENVIRONMENTAL JUSTICE TASK FORCE REPORT
Oregon Water Resources Department – 2018

BACKGROUND

Pursuant to ORS 182.535, the Oregon Water Resources Department (Department) must submit an annual report to the Environmental Task Force and the Governor’s Office, summarizing environmental justice efforts. Annual reporting helps monitor agency progress and provides learning opportunities to identify and refine best practices among state natural resources agencies.

As required by ORS 182.550, the report must document the results of the agency’s efforts to:

- Address environmental justice issues;
- Increase public participation of individuals and communities affected by the agency’s decisions;
- Determine the effect of the agency’s decisions on traditionally underrepresented communities; and
- Improve plans to further the progress of environmental justice in Oregon.

The following is a summary of efforts by the Department to consider and promote environmental justice during calendar year 2018.

2018 ACTIVITIES AND ACCOMPLISHMENTS AFFECTING ENVIRONMENTAL JUSTICE

The Department’s activities surrounding environmental justice are largely geared toward helping the public understand the importance of water and its management and protection, and including Environmental Justice communities impacted by Department projects and decisions in the public process. As the agency responsible for administering Oregon water law and a complex system of water rights, we’re often faced with difficult water management decisions. A changing climate, increasing population, and a growing demand for water makes it imperative that actions are taken to ensure sustainable water supplies are available to meet current and future water needs. Engaging with communities through planning and project development has been a key focus area for the Department.
• **OWRD Strategic Plan**

In 2018 the Water Resources Commission adopted a five-year strategic plan. This plan was developed to help prioritize the outcomes the Department will work to achieve, track progress on those outcomes, improve as a positive and productive workplace, and improve communication. The plan includes newly established Department core values (integrity, service, technical excellence, teamwork, and forward-looking). It is important that we serve everyone, including EJ communities, equitably in all that we do and seek to address any inequities that may be present in our work.

<table>
<thead>
<tr>
<th>Core Values</th>
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<td><strong>Integrity</strong> – We are accountable for all that we do. We act with honesty and promote transparency.</td>
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<tr>
<td><strong>Service</strong> – We are dedicated to providing outstanding service and treating everyone equitably in our management and stewardship of state resources.</td>
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<td><strong>Technical Excellence</strong> – We base our resource decisions on law, science, and expertise.</td>
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<tr>
<td><strong>Teamwork</strong> – We are united in our mission, relying on one another and working together with the communities we serve.</td>
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<tr>
<td><strong>Forward-Looking</strong> – We seek innovative and practical solutions to the water challenges of today and tomorrow.</td>
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• **Place-Based Planning**

OWRD continues to partner with four places that are undertaking a place-based, integrated approach to water planning. OWRD provides financial, technical, and planning assistance to the groups. These are collaborative processes that involve a balanced representation of interests and foster public participation. As an example, the Mid-Coast Water Planning Partnership recently partnered with Oregon’s Kitchen Table to conduct a survey to better understand public knowledge, interests, and priorities related to water Oregon’s Kitchen Table worked with a Spanish speaking field organizer to increase participation from Spanish speaking residents. They also worked with a tribal representative to increase tribal participation. Results will be shared at the next meeting of the Partnership and will help to inform their future planning efforts. Also of note, OWRD entered into a new partnership with the Climate Impacts Research Consortium (CIRC). Through this partnership CIRC will support the four planning groups as they analyze climate change impacts to water supply and demand and develop adaptation strategies. See the attached handouts.
- **Place-Based Planning Learning Partnership**
  OWRD is participating with the four place-based planning groups in a Learning Partnership generously funded by Ford Family Foundation. This Learning Partnership allows representatives from each of the places to attend meetings in the other places to observe their planning process, exchange lessons learned, and provide insight and feedback on how to improve the individual planning processes and the program as a whole. In 2018, Learning Partnership events were held in Burns and La Grande.

![Figure 3. The Learning Partnership gathering in La Grande in November 2018](image)

- **Upper Deschutes Basin Study**
  OWRD is one of over 37 partners working on a Bureau of Reclamation WaterSMART Basin Study, which is nearing completion. OWRD is providing financial, technical, and planning assistance to the collaborative group. The Study is looking at ways to meet the water needs of cities, rivers, and farms using a more integrated and balanced approach. Meetings between partners are held on a semi-regular basis. Multiple public outreach events were held at the beginning of 2018.

![Figure 4. A meeting of the Deschutes Basin Study Working Group in Bend](image)
- **Deschutes Basin Summit**
  OWRD partnered with the Governor’s Office, other state agencies, and the Warm Springs Tribe to convene over 150 diverse water partners representing approximately 70 organizations in the Deschutes Basin to talk about the future of water and the necessary governance structures in the Basin to allow for effective water management. The summit was intended to build on past collaborative successes and continue the momentum towards a collaborative future.

- **Water Project Grants and Loans**
  OWRD received 19 applications for the Water Project Grants and Loans funding program. Of these, 8 applicants received funding. This grant program considers 18 public benefits in the evaluation process, including social or cultural benefits. One criteria specifically addresses environmental justice communities: “Does the project improve conditions for Oregon’s environmental justice communities (e.g., minority or low-income communities, economically distressed rural communities, tribal communities, or other communities traditionally underrepresented in public processes)?”

- **Kingsley Reservoir Expansion Project**
  OWRD recently engaged staff members of the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of Warm Springs during development of instream flow protections for the Kingsley Reservoir Expansion project. Members of the Tribes were invited to attend two fisheries workshops and other meetings to discuss the project’s potential impacts to the surrounding Green Point Creek watershed, provide expertise related to their knowledge of the aquatic ecosystem, and voice any potential concerns associated with the project.

- **Nehalem River Scenic Waterway**
  As part of the scenic waterway designation process for a stretch of the Nehalem River, OWRD attended several meetings of the advisory group, which was comprised of stakeholders, landowners, recreationists, county commissioners, and members of non-profit organizations dedicated to protecting natural resources. The meetings were intended to inform the advisory group of potential impacts to water availability following a designation of a state scenic waterway. In addition, the Department hosted meetings with the Vernonia City Council and Columbia County Commissioners to inform them of potential impacts to water availability.
• **Harney Basin Groundwater Study**
OWRD and the Harney County Court appointed a Groundwater Study Advisory Committee (GWSAC) to foster an open exchange of information, data, and ideas between Harney County residents, other interested parties, and the OWRD and USGS Groundwater Study Team. The committee includes landowners, citizens, business owners, and representatives from the Burns Paiute Tribe and provides opportunities to include local knowledge in the Study. In 2018, a representative of the Numu Allottee Association was added to the GWSAC. The Department held several meetings in Burns to provide updates on the Study, including preliminary findings, and gather input from the GWSAC and public. An open house event was also held and included lightning talks from the scientists, as well as stations set up around the room where people could engage and ask questions one-on-one.

![Figure 6. Open House to share preliminary findings from the Groundwater Study in the Harney Basin](image)

• **2018 Drought Impact Stories**
During the summer of 2018, OWRD commissioned a study to document the impacts of drought on Oregon residents and cities, businesses and farms, the recreational industry, cultural resources and the environment. Interviews were held and included regional water masters, extension agents, state agencies, municipalities, river outfitters, a botanist, an irrigation district, tribal staff, and members of the state’s Drought Readiness Council. Governor Brown declared drought in nine Oregon counties during the course of the project. The locations of all the stories are depicted on the story map located here: [https://geo.maps.arcgis.com/apps/MapSeries/index.html?appid=b73cfd610aad4a0482971ea321653648](https://geo.maps.arcgis.com/apps/MapSeries/index.html?appid=b73cfd610aad4a0482971ea321653648)

![Figure 7. Screenshot of the Drought Impacts Storymap](image)
• **Alpine Community Groundwater Monitoring**

OWRD staff continue to support a community groundwater monitoring effort in Alpine, which was initiated after residents expressed concern about their groundwater resources. Residents have installed Wellntel sonic measuring devices to get real-time data on their groundwater resources. This is the only Wellntel groundwater monitoring effort in the country that is completely community-led. OWRD staff have delivered presentations on the geology of their region and continue to help participants interpret and understand their groundwater level data.

• **Groundwater Complaint Form**

Over the past two years, OWRD staff have received feedback from well owners who would like a clearer way to document and report groundwater complaints to the Department. In particular, domestic well owners in Harney County who have experienced declines in recent years desire a more formal process for tracking complaints. In response to this feedback, the Groundwater Section developed a form that can be used by well owners to document their complaints and created a clearer process for how to file those complaints with Watermasters. Based on the information provided, the Watermaster and Groundwater staff will follow-up with the complainant.

• **More accessible Groundwater Information System**

The Department’s groundwater database has been made more accessible to the public in a number of ways in 2018. This project was a collaborative between multiple sections in OWRD’s Technical Services Division, including Groundwater, Surface Water, and Information Services section. Many new types of data were incorporated into the publicly-accessible database; including flow meter and power meter data, as well as high-frequency water level transducer data. Improvements included hydrographs for users to see water levels in their wells, enabling of bulk download of water level data via the GWIS public website (https://apps.wrd.state.or.us/apps/gw/gw_info/gw_info_report/gw_search.aspx), and development of a groundwater mapping tool that shows locations of wells and the number of water level measurements in the database. (https://apps.wrd.state.or.us/apps/gw/gw_info/gw_map/Default.aspx).

Figure 8. Screenshot of the Groundwater Information System launched in 2018
• **Website Redesign**
  OWRD is committed to providing all of our customers, including individuals with disabilities, access to Web-based information and services. The Department completed the website redesign in September 2018, with the purpose of making the website easier to navigate, more mobile friendly, and to meet Federal ADA accessibility guidelines. Part of the redesign process constituted gathering input from Department staff and stakeholders, and performing a usability survey with participants from across demographics using different devices (laptops, smartphones, and tablets). The new website will continue to be updated to improve access and searchability based on user feedback and Google analytics.

• **New ADA-compliant Forms**
  Along with the implementation of OWRD’s new website, there is an effort underway to make our public use forms and other public communication tools ADA compliant. As forms come due for updates, the Department incorporates various ADA requirements, while making the forms fillable and searchable. In 2018, this process was initiated and approximately 10 percent of the forms have been since been updated.

• **Archeological and Cultural Resources Training**
  OWRD’s technical and field staff participated in a four-day training conference hosted by the Oregon Parks and Recreation Department. This conference focuses on providing a greater awareness of state and federal cultural resource regulations, including the protection of archeological sites. Seven staff were able to participate in this training in 2018. The Department has participated in this training opportunity for several years now.

• **2018 Statewide Diversity, Equity, & Inclusion Conference**
  This year’s conference theme is “Beyond Tolerance, Leveraging Differences.” The learning sessions focused on recognizing unfair biases and attitudes, while also focusing on the development of genuine respect of other beliefs and diverse perspectives. As a sponsoring agency, OWRD was able to send 16 staff to the conference.
Place-based planning is one of the recommended actions from the 2012 Integrated Water Resources Strategy (IWRS). It provides an opportunity for communities to work collaboratively, in partnership with the state, to understand their water resources challenges and needs, and identify potential solutions to meet those needs. The place-based planning draft guidelines describe the five steps and key planning principles central to any place-based planning effort.

Build a collaborative and inclusive process – Conveners assemble partners representing a balance of interests, including state agencies and work with partners to: create a governance agreement that describes how the partners will collaborate and make decisions using consensus; develop a communication and outreach strategy to ensure an open and inclusive process; and develop a work plan outlining how they will execute Planning Steps 2-5.

Gather information to understand current water resources and identify knowledge gaps – The planning group assesses and describes water resources in the basin, looking at water quantity, quality, and ecology. This effort includes collecting and synthesizing existing information, identifying any gaps in knowledge, and developing strategies to fill these gaps.

Examine current and future water needs/demands for people, the economy, and the environment – The group identifies and prioritizes current and future instream and out-of-stream water needs/demands using an integrated approach. Groups also examine water challenges and vulnerabilities, such as how climate change may affect water resources and the ability to meet water needs.

Identify and prioritize strategic, integrated solutions to meet multiple water needs – The group collaboratively identifies a long-term strategy and near-term recommended actions to address the instream and out-of-stream issues and needs identified in Steps 2-3. Consensus-based strategies and actions are captured in a plan.

Approve and implement a place-based integrated water resources plan – The group approves the plan and develops more detailed plans to implement actions. The Water Resources Commission and other agencies will have an opportunity to formally accept the plan, based on whether it is consistent with the IWRS, the guidelines, and state water policy.

**Key Planning Principles**

- Locally-initiated and led collaborative effort
- Voluntary, non-regulatory process
- Includes a balanced representation of water interests
- Conducted in partnership with the state
- Addresses instream and out-of-stream needs
- Looks at water quantity, quality and ecosystem needs in an integrated approach
- Creates an open and transparent process that fosters public participation
- Builds on and integrates existing studies and plans
- Does not infringe on existing water rights
- Adheres to IWRS principles and state laws

**Learn More!**

Visit the web page: [http://bit.ly/owrdplanning](http://bit.ly/owrdplanning) Email: placebasedplanning@wrd.state.or.us
Contact Planning Coordinators Harmony Burright (503-986-0913) or Steven Parrett (503-986-0914)
Program and Place-Based Updates

• Initiated a partnership with the Climate Impacts Research Consortium (CIRC) to assist places with assessing climate impacts to supply and demand and developing adaptation strategies.
• Initiated a learning partnership with the Ford Family Foundation to support ongoing community building and peer-to-peer learning between places.
• Second annual Collaborative Water Gathering organized by Sustainable Northwest brought places together to share lessons learned and best practices in May.
• Inter-agency meetings in February, March, April, and May.
• Convener coordination calls in January and April.

Harney - Malheur Lake Basin
Conveners: Harney County Court & Watershed Council
OWRD Grant: $150,000  Other Grants (to-date):  $163,000

• Meetings of the full Collaborative held January and April.
• Four working groups (domestic/municipal, ecological, vegetation management, agricultural [groundwater]) convened to gather and analyze water data/information – 17 meetings in total.
• Multiple presentations from content experts.
• Developing summaries of working group deliberations and findings for Steps 2/3.
• Recipient of grants from private foundations.

More information: Contact Rianne BeCraft at 541-360-1695 or rianne@hcwatershedcouncil.com
WEB: www.hcwatershedcouncil.com/community-based-water-planning

Upper Grande Ronde Sub-Basin
Convener: Union County
OWRD Grant: $207,000

• Step 2 State of Water Resources Report completed and approved by consensus.
• Stakeholder meetings held in January, February, March, April, and May.
• Four working groups (agricultural, municipal, instream, and natural hazards) met multiple times to assess current and future demands.
• Information exchange convened with other places to examine methods to estimate agricultural water use.
• Step 3 report anticipated Summer 2018.

More information: Contact Scott Hartell at 541-963-1014 or shartell@union-county.org
WEB: http://union-county.org/planning/place-based-integrated-water-resources-planning/

Lower John Day Sub-Basin
Convenor: Gilliam SWCD & Wheeler SWCD
OWRD Grant: $200,000

• Partnership meetings held in January, February, March, April, May, and June.
• Finishing up and reviewing Step 2 State of Water Resources Report – a draft will be sent out for public review this summer.
• Continue work to assemble Step 3 information.
• Significant partner contributions to Step 2 and Step 3 through a partner RFP.
• Successful public outreach event held in April with 50+ attendees.

More information: Contact Christina Kirwan at 541-384-2672 x108 or gilliamswcd@gmail.com
WEB: Under development – see the group Dropbox

Mid-Coast Region
Conveners: City of Newport, OWRD, Seal Rock Water District, Gibson Farms
OWRD Grant: $150,000  Other Grants (to-date):  $205,000

• Step 2 Water Resources Report completed.
• Technical assistance secured from the Army Corps of Engineers.
• Three working groups convened (instream/ecological, self-supplied and municipal/water district supplied) to assess instream and out-of-stream water needs.
• Partnership meetings held in January and May.
• Public event held in June with 30+ attendees.
• Two additional local conveners approved by consensus of the Partnership.

More information: Contact Timothy Gross at 541-961-5313 or T.Gross@NewportOregon.gov
WEB: www.midcoastwaterpartners.com