

MEETING SUMMARY

Environmental Justice Task Force Meeting

Friday, June 8, 2018 | 9:00 am – 3:00 pm
Oregon Institute of Technology, Mt. Mazama Rm,
3201 Campus Dr.
Klamath Falls, OR 97601

Attendees:

Joel Iboa (Chair), Scott Dahlman, Ben Duncan, Valentin Sanchez, Bob Collin, Jennifer Coleman (phone), Jason Miner (Governor's Office), Kourtney Linebaugh (Governor's Office)

Welcome & Introductions (Task Force Members)

Meeting Minutes (Task Force Members)

Approval of minutes

Edits to make on meeting minutes:

- Eliminate last "e" on first name of Valentin
- Page 3: japanese beetle spelling correction

Motion to approve by Ben.

Seconded by Bob.

Reflection on Klamath Tribe discussion (Task Force Members)

Ben will start the first draft of LNG letter to distribute to the group and will solicit comments to Chair Gentry and other tribes

- Include link to public health
- ODFW is engaging with sovereign nations
- Including spirituality, redefine consultation

Chair Gentry is working with ODFW, not quite at co-management level yet, but a positive and open relationship.

Questions that arose from discussion:

How do we engage Commission on Indian Affairs?

Other state agencies to bring LNG pipeline to?

Suggestion: Press agencies that have an effect on subsistence living.

Beyond Toxics topics/discussions that came up during meeting

- Questions around LNG pipeline
- SB 5041 questions
- Cleaner act of Oregon
- Food security and agriculture in Klamath
- New appointment at Environmental Quality Commission - Greg Addington

Action Ben: Motion to draft letter reflecting specific EJTF concerns around tribal impacts to Governor (Specific to LNG)

Scott: Second

Motions passes.

Concerns and presentations from Tribes: LNG pipeline

Klamath Tribes

Chair Gentry

- Comes from a hunting family
- More than a subsistence issues, unable to practice cultural practices (hunting, fishing)
- Time to address EJ as a nation – harder to fish and hunt
- Partner to protect creator-given interests
- First people on the land, moral, spiritual obligation of the land that should be recognized
- Concerned pipeline will go through where burial human remains will be disturbed
- Interests and people are marginalized
- Looks forward to providing specifics recommendations in the future

Coos Tribe

Margaret Corvi, Tribal Member

Culture and Natural Resource Director

Confederated Tribes of Coos, Lower Umpqua and Siuslaw

- Understanding of history of loss in Oregon is important
- Concerns: since 2015 submitted to FURC
- Notice that LNG project will have significant ground disturbance
- Significant concern re ability to use the area, concerns of where the buildings will be, contamination for shell fish harvesting, basket weaving, etc
- Loss of spiritual connection of land being dug up, disturbance of burials
- Not adequate consultation with the tribes, issues not being addressed by state agencies/FURC
- Channel project goes forward – erosional impacts, access to resources, lack of access to shell fish, eel grass migration
- Water and air quality a concern
- Would like to know the state plan for coordinating with FERC
- Requested consultation with the Governor would like state to speak candidly with the tribes, wrote in March, but have not heard back from the state. Need to have a consultation with the state of Oregon
- Would like to provide written comments

Yurok Tribe

David Gensaw, Vice Chairman

- Hunters, fishers, gatherers, prayer people
- Fighting with rifles is done, now the fighting is with education and pen and paper
- Klamath River is their highway
- Oppose the LNG pipeline
- Oil and gas developers could care less what they destroy
- This will effects our eco systems and climate
- Will go through 5 rivers devastating the land (farm, public, tribal, forest)
- This will affect everyone
- Land, river, fish, people and future generations need to be protected

Cow Creek Band of Umpqua Tribe of Indians

Jason Robertson

Natural Resources

- Cow Creek 1800 tribal members on the land
- Pipeline will lead to environmental degradation, impacts to cultural resources and artifacts
- 123 miles of Cow Creek ancestral area
- Federal and state agencies have an obligation to coordinate individually with Tribes on this project and these are not happening
- There is a need to have more discussions on ancestral territories
- Tribes are disproportionately effected they are a sovereign nation

Joel thanked the Tribes for being there and requested that any additional/written comments be sent to the EJTF.

Bob: Mentioned laser technology called lidar, uses lasers to penetrate the land to see what is there.

Valentin: Mentioned the importance of listening to all communities that will be impacted and thanked Tribes for their comments.

Joel: This project would irrevocably change Oregon. Will make sure to follow up and include perspectives with Gov's Office and agencies. EJTF is in agreement with tribes that LNG pipeline is not right for Oregon.

Chair Gentry: regarding consultation – recognize we have limited resources. How does EJTF fits into the recommendations with this project? Jason Miner: Sits as ex-officio member, EJTF was created by legislative task force to advance environmental issues.

- EJTF acts as a conduit, body is here to make decisions and acts independently
- Powerful roles that this body plays is communicating back to Governor and/ or to state agencies
- EJTF provides direct recommendations to the Governor on LNG pipeline project

Margaret: G2G has its benefits and transparency but additional one on meetings needed with agencies.

Coos Tribe: Governor meeting with Tribal elected members from the beginning is expected to set the tone and pace.

Chair Gentry: Task force is advisory, thinking that Governor has the ability to stop the project. What if process goes forward, what does the Governor have the authority to do? Can the Governor stop the project? Jason Miner: We do not know the project will go through with permits. Important to raise issues now.

- Annual summit extensively attended by Governor, she does meet leadership to leadership every November
- Governor would say this is the time for the voices of Oregonians and Californians to be heard
- Permitting processes has very long timelines, which is challenging, is a burden put on people to voice opinions for a long period
- Letter from EJTF is incredibly influential
- Best effort is to enter into meaningful conversations
- In projects like these Governors/state officials making proclamations about project like these could be seen as biased to the projects outcome

Farm and Forest issues: Non-timber forest products

Oregon Department of Forestry, Andy White

Folks collecting moss, mushrooms and fire wood can collect without permit under certain amount, no enforcement officers checking ID, as long as it is collecting for commercial uses.

EJTF Q: Have any forest service folks been asked to identify undocumented people? ODF: No.

EJTF Q: Is there anything prohibiting state forest workers from collaborating with ICE? ODF: No.

Valetin: Regarding mushrooms workers, many speak indigenous language from Guatemala, What is ODF's interpreting process for checking permits?

ODF: ODF does not have multiple language speakers, we ask folks come in with someone who can speak English to get a permit for commercial permit only – do not have translators on site. Valentin: Suggested looking for alternatives to communicate. English speakers assisting folks for a permit may take advantage of those who do not speak English.

Recommendation: Follow up with ODF, how to make it easier for native speakers to speak with.

Add to next meeting agenda: invite ODF to discuss interpretation services (whether materials are interpreted into multiple languages, what procedure are in place for people who do not speak English)

-Language lines available?

-What are other agencies doing?

Autodismantlers

Jen Coleman

Autodismantlers letter overview being sent by EJTF to the Governor. In response to concerns raised by the March 2017 fire, DEQ has pledged to do outreach and education to autodismantler facilities. While this is important work, we also urge the Governor to consider further action to improve the environmental regulatory oversight of scrap yard permitting.

Nina D Deconcini, DEQ

-Aftermath of fire DEQ has sent owner NW Metals order

-Order requires comprehensive cleanup, more than 1500 tires need to have a proper permit, and notice of intent to construct, and oil and gas permit

-Additional to civil penalties they may ensue

-Enforcement action proceeding

DEQ statewide to all facilities that have the DMV certificate translated into Russian and Spanish with checklist and fact sheet – mailed out 1 month ago to all registered autodismantlers facilities

--Facilities need to self-identify requirements and notify DEQ

-DEQ does not have as big a regulator role, up to operator to get necessary requirements and permits

EJTF Business (Task Force Members)

Past EJTF Member Robin Collin

Action: Jason Miner will find 30 minute on his calendar to meet with Governor regarding previous EJTF member Robin Collin's service and help coordinate a letter with Ben.

Letter drafts in process

-Letter going out soon to legislator's letter re clean energy/jobs

EJTF meets quarterly and can provide higher-level vision and communication to legislatures, but for a group that meets quarterly EJTF does not have the ability to keep up with the legislative quick moving process.

Upcoming Meetings

Ben: since it is the 10 year anniversary, we should do something to celebrate this year

- Invite Governor to join, whatever she is available to do
- Make this part of the meeting
- Invite agencies

Next meeting will take place September 14 in Ontario, Oregon.

-Scott may be absent from Sept. 14 meeting

Review of possible new board members from Advocacy Commission representation:

- Names that came up include: Gustavo Morales from Ontario and David Yuen Tam
- Need 4 advocacy seats and one at large position
- Gov office has acted on 2 positions, other folks who have expressed interest need to submit interest forms to the Executive Appointments office

EJTF position in the Gov's Office – staff support

- Funding has become available through legislature/Carbon office in the Governor's office regarding an admin position to staff the EJTF
- Soon to advertise an administrative position
- When a position description is available, Gov's office will send to EJTF members

Oregon Sustainability Board relationship

- Agency reports on sustainability plans every 2 years
- Opportunities to align reporting to OSB and EJTF
- Can OSB and EJTF partner?
- OSB discussing putting an equity metric in their sustainability plans
- Work on getting a joint meeting together, share meeting minutes, create a synergy between two groups

Governor's Office/Citizen Advocate/Agency Updates (Jason Miner & Agencies)

Jason Miner: Gov's NR Office, Carbon Office hired Greg Alderson and Colin McConnaha

-Hope to hire a replace for Lauri Aunans NR advisor position on July 9

Climate Cabinet:

- Launched 2 months ago meant to address cap and trade, global climate change
- Subset of NR agency directors includes chair of EJTF
- Group coming together to tackle climate issues

Agency Updates

DEQ, Nina D Deconcini

- Performance Partnership Agreement drafted doc, final to come July 1
- completed EJSCREEN training
- Harriett Tubman School air quality sampling update: Portland Public Schools is conducting a number of environmental analyses, including air quality monitoring.
- Air Quality monitoring in Cully (NE Portland) community: full spectrum air toxics monitor at Helensview High School, near NE 87th and Killingsworth Street
- Cleaner air Oregon (SB 1541): new advisory committee to develop proposals for the Hazard Index figures, 5 rep seats and 2 at-large seats
- New EQC Commissioner is Greg Addington

OWRD, Alyssa Mucken

- Regulation mode
- Agency has a team and staff dedicated to the Klamath basin water issues
- Klamath county first county declared under drought (others include Harney, Lake, Baker)
- Learned from past years of drought well issues and ground water issues, agency not equipped to deal with well complaints, working to better/develop their outreach
- Place-based water planning, 4 communities integrated water strategies, planning at the local level in partnership with state
- Letter to Robin Collins, she has been such a resource for state agencies and assisted Alyssa Mucken personally in helping her understand EJTF from her view
- Program water management and conversation program – utilities to create a plan in the case of water issues such as drought – rule making process to assist smaller communities
- Alyssa Mucken has taken a new position into the water rights division and there will be a new OWRD representative soon

Valentin: who did you engage with for pre plan-based water planning? OWRD: 3 meetings in basin in evening hours, informational, open house forum to ask questions what regulation would look like
Jason: 40 people each, publically advertised, well attended with geographic attendance and Tom Paul meeting individual with stakeholders

ODOE, Sean M.

- LNG pipeline is a federal project
- FERC is a certificate of need dependent on state agency permits
- DLCD administers foreign enforceable policies – federal consistency application, will require state/local level permits
- Just with state agencies there are 30 types of permits some include: landfill permits, compressor station permit (under review), DSL removal fill application submitted and extended review (currently suspended review), SHIPO (archaeological permits and review for Dept. of Interior), DOGAMI has a surface mining permit (only enforceable in coastal zone)
- ODOE has a dedicated website to LNG Jordan Cove DEQ and is currently has a DEQ public comment available regarding water quality permit deadline July 21

ODA, Christina Higby

- Water quality program Upper Klamath
- Working with DEQ, OWHB Farms, Tribes, ODA with monitoring plan to test sediments

- Monitoring 9 pump stations, samples at pump station and around lake
- Ag Water program currently accepting input for improving compliance
- 6 new implementation areas

DOGAMI, Ben Mundie

- LNG there will be a permit required by DOGAMI, but have not applied yet
- Grassy Mountain gold mining in Calico is going forward

Add to next meeting agenda: DOGAMI would like to present at September meeting on Grassy Mountain

ODF, Andy White

- Comments on how engaging with the Tribes, starts at the top with State Forestry sent out primary topics to tribal chairs followed up with meetings (3 meetings have been conducted so far)
- Tribal reps on many advisory boards, committees to review tribal perspective around programs
- working to interpretive information at centers/info stations into Spanish re working forests and fire prevention – making progress on this
- Smoke management proposed recommended changes - ability to plan burns, develop communication plans, expanded use of polypropylene to cover burn piles helped reduce emissions – public hearings scheduled across state in July through August

ODOT, Becky Williams

- Uses Erco translation services
- What types of permits from ODOT will be required for the Jordan Cove project? Includes: cooperative improve, road approach, TIA traffic impact analysis, overweight load permits, various utility permits– find out more about permits required through ODOE

Valentin: Oregon Judicial Department trains native speakers to interpret from indigenous to Spanish to English for agencies.

Public Comment (Public Attendees)

Open Discussion

Doug Barrett re Tribal Council/Cultural Resources

Margaret Corvi re Natural Resources and Culture

Taylor Tupper

Scott White re Water Solutions

Hannah Sole re Jordan Cove

Marshall Staunton re Klamath

Perry Chocktoot re Jordan Cove

Nicolas Caleb re Jordan Cove

Next Meetings:

Friday, September 14, 2018 – 9:00 am to 3:00 pm

Location: Ontario, Oregon

Friday, December 14, 2018 – 9:00 am to 3:00 pm (legislative days)

Location: Salem, Oregon