

Environmental Justice Task Force

Agency Reports





ENVIRONMENTAL JUSTICE TASK FORCE REPORT

Oregon Water Resources Department – 2017

I. 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 2017.

II. ADDRESSING ENVIRONMENTAL JUSTICE ISSUES

The Department's activities surrounding environmental justice are largely geared toward helping the public understand the importance of water and its management and protection. 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.

In 2017, the Department embarked on development of a strategic plan for setting priorities for the next five years. The plan will include a set of core values, identify employee initiatives, and document ways for improving internal and external communications. The Water Resources Commission will be asked to approve the strategic plan in late 2018.

III. INCREASING PUBLIC PARTICIPATION; EFFECT OF AGENCY'S DECISIONS

The following is a summary of the Department's 2017 efforts to improve public engagement, involvement, and access to water-related information:

- **Tribal Relations** –
The Department continued its ongoing participation in the natural resources and cultural cluster working groups. The Department also attends the annual tribal information and

training day, 2017 Spring Gathering, and State-Tribal Summit. For more information on Department efforts and activities with Oregon's nine federally recognized tribes, refer to the agency's 2017 annual government-to-government report, available at:

<https://www.oregonlegislature.gov/cis/Pages/Gov-to-Gov-Annual-Reports.aspx>

- **Groundwater Study in the Harney Basin –**

The Department is conducting a groundwater study in the Harney Basin in cooperation with the US Geological Survey to better understand groundwater resources and determine if groundwater has been fully or over appropriated. A Groundwater Study Advisory Committee meets quarterly with the groundwater scientists to learn about the study efforts and also to share local knowledge. A local groundwater monitoring coordinator with the Harney County Watershed Council has been working closely with the groundwater study team to contribute additional groundwater level data from community members. The Department is interested in improving public participation around its science and studies and sees the Harney Groundwater Study Advisory Committee as a potential model for future efforts.

- **Community of Alpine (Benton County) Groundwater Monitoring –**

The rural community of Alpine continues to convene meetings of community members that are interested in forming a citizen-led groundwater monitoring effort. The Department has been meeting with the community 1-2 times each year to support their efforts to better understand and manage groundwater resources. Community members have taken the initiative to form a groundwater monitoring network with WellIntel, a company that can provide groundwater measurement technology and support. Among the 50 or so groundwater networks that WellIntel supports across the country, this is the only network that is community-led. The citizens of Alpine hope they can be a model for other communities.

- **Access to Klamath Basin Dashboard –**

The Department has created a dashboard for the public with automated messages to internal staff highlighting Klamath Basin flows in relationship to the instream claims. There are 21 Klamath Tribal water right claims that the Department tracks and displays on this dashboard. The goal of the dashboard is to monitor whether streamflows at specific times and locations are meeting the requirements of the claim. In addition to the minimum flow values, which have been publicly available for some time, this new product now contains notice of when water rights fall into regulation. Access the dashboard here:

https://apps.wrd.state.or.us/apps/wr/klamath_sif_dashboard/Default.aspx

- **Access to Groundwater Data –**

In 2017, the Department completed the first phase of developing a Groundwater Information System. The previous database was not accessible to the public. Internal and external stakeholders can now see much of the data and information collected by the Department's Groundwater Section. Many of the data points are wells and the database contains large sets of associated records of groundwater levels, subsurface lithology, well construction history, associated water rights, water-use estimates, rock geochemistry, and aquifer unit designations that are collectively used to assess groundwater supplies in the state. Access the Groundwater Information System here:

https://apps.wrd.state.or.us/apps/gw/gw_info/gw_info_report/gw_search.aspx

- **Accessing Water Right Maps –**
In 2017, the Department’s Data Team completed a very large project of entering and mapping all of the resulting water rights (528 certificates) associated with the Walla Walla River Irrigation District. These water rights and maps are publicly available from the Department’s [online interactive mapping tool](#).

IV. IMPROVING PLANS TO FURTHER ENVIRONMENTAL JUSTICE IN OREGON

The Department will continue to focus efforts on staff training and incorporating environmental justice considerations into our programs and planning-related activities, including the state’s updated Integrated Water Resources Strategy. The IWRS is a key strategic document for the state, and the 2017 version will help focus efforts on building resiliency to more frequent droughts, floods, and other events that impact the state’s most vulnerable populations. Other efforts during 2017 included:

- **Archeological and Cultural Resources Training –**
The Department’s technical and field staff have participated in a four-day training conference hosted annually 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. Altogether, twenty-three staff have participated in this training and the Department has plans to send additional staff in 2018.
- **Continued Involvement with the Environmental Justice Task Force –**
Since its inception, the Department has actively participated in meetings and discussions of the Environmental Justice Task Force. Department staff from the Director’s Office participated in Task Force meetings held in 2017. Staff provided an informational panel presentation regarding the place-based planning process occurring in the mid-coast watershed. Community members, along with Department staff, discussed water challenges currently facing the coast.
- **Adoption of Oregon’s 2017 Integrated Water Resources Strategy –**
The Water Resources Commission adopted the state’s [Integrated Water Resources Strategy](#) in December 2017. Using a public process, the IWRS continues to promote environmental justice principles first outlined in the 2012 IWRS. This newly adopted version includes several new recommended actions, some of which help the state better prepare for drought and flood events, assessing which communities are vulnerable and documenting the economic, social, environmental and other impacts of such events.
- **Continued Assistance for Place-Based Planning –**
The Department continues to make progress on developing a program to support place-based water planning across the state. Integrated water resources planning is ongoing in four locations, refer to place-specific updates noted below. In 2017, the Task Force received regular updates regarding the status of these efforts. Some highlights from 2017 include:
 - In May 2017, the Department and Sustainable Northwest brought members of the four planning groups together for a peer-to-peer learning event where they shared lessons learned and best practices.
 - The Department is currently working with the Ford Family Foundation and the local conveners to initiate a learning partnership that will enable the four planning groups to visit each other’s places and observe the different planning efforts, build relevant

skills, and identify shared interests and goals that they can advance together at the state level.

- The Department has initiated a partnership with the Climate Impacts Research Consortium to offer support to the planning groups as they assess climate change impacts and develop adaptation strategies.
- The **Mid-Coast Water Planning Partnership** has finished work to characterize their water resources and has initiated a needs assessment. They have three working groups that are compiling and analyzing water needs for self-supplied water users (domestic well owners, agricultural, and industrial/commercial uses), municipal or water district supplied uses, and instream water uses (including recreation and ecology). The Partnership has secured private grants to support the planning effort, including a grant to partner with Oregon’s Kitchen Table to do an extensive engagement campaign to gather feedback from the mid-coast communities regarding their beliefs, values, and priorities around water in the region. This work will help the Partnership reach out to specific communities that are not well represented in the planning process.
- The **Harney Basin Water Collaborative** is working to characterize their water resources and understand different water needs. They have four working groups led by members of the Collaborative – agricultural water use, domestic/municipal water use, vegetation management, and ecological water needs.
- The **Lower John Day place-based planning group** is currently wrapping up a report that characterizes their water resources. They have accomplished the majority of their technical work utilizing their partner network, a cost-effective strategy that can build capacity in the long-term.
- The **Upper Grande Ronde place-based planning group** is wrapping up their water needs assessment, a product assembled by four working groups: municipal-domestic, agricultural, and instream water uses, along with a vulnerabilities working group. The group is also partnering with a researcher from Eastern Oregon University to complete an oral history project about the importance of water use to different members of the community. Planning partners will begin exploring integrated solutions in late 2018.

V. CONTACT INFORMATION

For questions regarding this annual report, contact the Department’s Environmental Justice representative:

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Annual Report to the Oregon Environmental Justice Task Force and Governor

Submitted to:

**Environmental Justice Task Force
Governor Kate Brown**

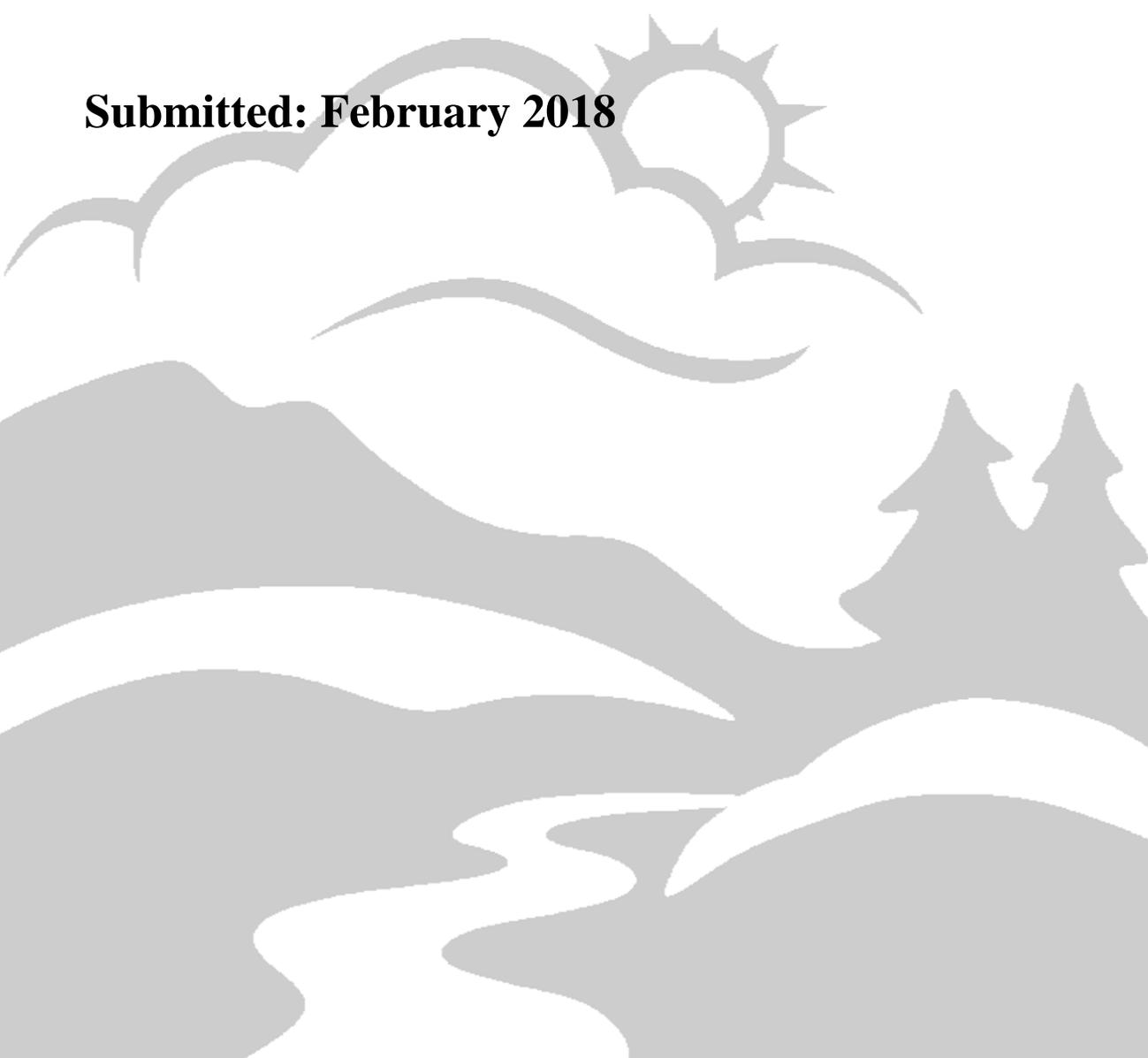
Submitted: February 2018



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*DEQ is a leader in restoring,
maintaining and enhancing
the quality of Oregon's air,
land and water.*



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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.

Annual Report to the Oregon Environmental Justice Task Force and Governor

Oregon Department of Environmental Quality

February 2018

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 2018 to improve the state's ability to ensure environmental justice.

Senate Bill 420 (Oregon Revised Statutes 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 2017 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 build on its framework and practices for identifying and addressing environmental justice issues in Oregon.

- DEQ changed the name of the position from "Citizen Advocate" to "EJ Coordinator" on internal and external communication. This change was made to clarify that the position is not limited to serving citizens, and the inclusivity of the language is an important step to reducing systemic barriers to participation in government activities.
- DEQ incorporated environmental justice considerations, as taken from the definitions of the EJ Demographic Indicators in EPA's EJSCREEN tool, into the formula for prioritization of sources in the draft proposed Cleaner Air Oregon program rules.
- DEQ continues to develop its mitigation plan for diesel emissions, related to the VW settlement. The final plan must include mitigation actions that prioritize funding in communities disproportionately harmed by diesel emissions. DEQ completed a draft mitigation plan in late 2017, and expects to finalize the plan in 2018 after considering public comment.
- DEQ worked with the Oregon Department of Agriculture and numerous community-based organizations to enhance agency outreach and provide meaningful engagement related to permit actions at Lost Valley Farm, a large Confined Animal Feeding Operation, in Boardman
- DEQ's EJ Coordinator advised, consulted with and assisted DEQ staff and managers on specific environmental justice issues or potential issues in various DEQ programs around the state throughout the year.

In addition, 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 examples of agency efforts in 2017, and their incorporation of EJ principles, follow.

Cleaner Air Oregon program and rules

In April 2016, Governor Brown established the Cleaner Air Oregon program to provide a full review and response to air toxics emissions that were not regulated under federal or state programs. DEQ, in partnership with the Oregon Health Authority, administers the program and is developing comprehensive rules for air toxics regulation in Oregon. In 2017, DEQ convened an advisory committee, per agency practice, for the development of draft program rules. DEQ solicited participation from organizations and individuals working in advocacy or environmental justice contexts, and the EJ Task Force assigned a representative for specific EJ input on the committee.

The CAO program development included prioritization factors that used EJ parameters in the draft proposals, used enhanced community engagement techniques to develop draft proposed rules and held a public hearing on the draft rules before the EJ Task Force in 2017. The program, slated for commission action in winter 2018, also includes a proposed position for community engagement with a commitment to EJ as part of the program's engagement and operations.

Materials Management Grants program

In 2017, DEQ's Materials Management Program awarded nearly \$700,000 in grants to 20 organizations across the state. The grants program focus area was food waste reduction, and DEQ awarded 10 of the grants for food waste reduction projects at the production, preparation and post-consumer stages. Other grants will support the diversion of household goods and building materials for resale, instead of disposal, the expansion of recycling opportunities in several smaller communities across the state and expansion of established reuse activities like lending libraries for tools and household goods.

- *2017 Materials Management grants (PDF):*
<https://www.oregon.gov/deq/FilterDocs/wfpDescGrants2017.pdf>

The program also awarded nearly \$50,000 in micro-grants to five entities for workforce development and growth of repair and reuse sector in Oregon. Equity is a foundational principle of the Materials Management Program, and DEQ identified the development of Oregon's workforce for repair and reuse as an opportunity to apply EJ principles for environmental and social benefit.

- *Micro-grant recipient information (PDF):*
<https://www.oregon.gov/deq/FilterDocs/wfpDevGrantsFund2017.pdf>

Electric Vehicle rebates

The 2017 Oregon Legislature established a rebate program for the purchase or leasing of new and used electric vehicles in Oregon. The program included a standard rebate for EVs with a certain battery size with an additional rebate available for lower-income people. By providing the additional subsidy, the program would make electric vehicles a cost-competitive option for more people across Oregon. DEQ data shows that vehicle emissions disproportionately harm lower-income and minority communities, so greater access to electric vehicles would provide benefit to Oregon's communities at greater risk for emissions exposure.

Expanded Clean Water Loan program

In 2017, DEQ expanded on the success of the Clean Water Loan program, which provides low-interest loans for the repair and replacement of failing septic systems, through additional funding. The expansion of the program means that more people are able to access funding and avoid groundwater pollution from failing septic systems. As reported in 2016, up to 30 percent of Oregon residents rely on septic systems and the contamination from failing septic systems can result in polluted groundwater used for drinking water. The use of septic systems is more common in rural or geographically dispersed communities where city-run sewer systems are not available, creating potentially disproportionate environmental harms for Oregon's rural communities.

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 decisions.

- 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 maintains internal web pages and information for staff, focusing on how all employees are responsible for evaluating how agency actions may affect people and communities with EJ concerns or are otherwise disproportionately burdened by environmental harms
- 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 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. More information about DEQ's work with tribal nations is available in DEQ's Annual Government-to-Government Report on Tribal Relations (<http://www.oregon.gov/deq/about-us/Pages/tribal.aspx>).
- 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
- The Environmental Quality Commission, the policy-making body for DEQ, discussed ways to provide better opportunity for public comment and engagement at its meetings. EQC intends to expand its comment and engagement opportunities in 2018, with additional public comment opportunities at meetings; scheduling of comment opportunities at times to allow broader participation; the continued use of call-in lines to allow comments from people who cannot attend the meetings in-person; and direction to DEQ to plan commission meetings at community spaces, like libraries, community centers and educational facilities, whenever feasible.

- 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 2016, DEQ used enhanced community engagement practices for the Cleaner Air Oregon program and air toxics rule development. These practices included providing outreach and engagement materials in Spanish and English, holding meetings in the neighborhoods most immediately impacted by emissions from colored art glass manufacturers in Portland and partnering with community-based organizations to ensure that engagement was meaningful.

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 provided 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 build stronger relationships with tribal nations on a government-to-government basis to consult on environmental issues and determine the potential effect of agency decisions on tribal communities. More information about DEQ's work with tribal nations is available in DEQ's Annual Government-to-Government Report on Tribal Relations.
- DEQ continues to implement the commitments of its 2016-2018 Performance Partnership Agreement with EPA, including trainings for all staff in using EJSCREEN. Those updates are provided in detail in the next section.

4. Improving plans to further the progress of environmental justice in Oregon

Throughout 2017, 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. In March 2017, this workgroup met in-person in Portland for an all-day workshop, with EJ partners from EPA Region 10 and EPA headquarters attending.

DEQ is exploring the opportunity to request a new position that would combine the current EJ Coordinator and Title VI compliance roles, as part of a future budget request. Pending Legislative approval, this new position would greatly increase agency capacity for EJ work and Title VI/Civil Rights compliance.

DEQ made a series of specific commitments, seen below, for Environmental Justice actions and activities in the 2016-2018 Performance Partnership Agreement. Notes and updates about each of the 2016-2018 items are provided as a sub-bullet and italicized.

Partnerships

- Collaborate with EPA and other states to share information about current EJ issues, activities and events applicable to Oregon
 - *Ongoing – Oregon DEQ’s EJ coordinator participates in monthly telephone meetings with EPA Region 10 EJ staff and the state EJ representatives from Alaska, Idaho and Washington for training, professional development and information sharing*
- Coordinate with other state natural resource and health agencies, and local environmental public health agencies to develop and share tools for EJ activities in Oregon, such as a tool to take into account demographic indicators for prioritizing work and sharing environmental public health with communities with environmental justice concerns
 - *Ongoing - Oregon DEQ strengthened its working relationship with the Oregon Health Authority and local health authorities, especially the Multnomah County Health Department, in 2017. The agencies continue to collaborate on communications, and share information and lessons-learned on best practices for engagement with people who could be experiencing disproportionate health effects and environmental exposures from pollution*
 - *Ongoing – Oregon DEQ invited several other state natural resource agency representatives to attend the DEQ staff trainings for EJSCREEN, and maintains regular communication with the EJ representatives from other state agencies interacting with the Oregon Environmental Justice Task Force*
- Consult with the [Oregon Environmental Justice Task Force](#) for guidance about tools to continue integrating EJ principles and actions into DEQ operations, where applicable
 - *Ongoing – Oregon DEQ maintains an ongoing consultative and reporting relationship with the Oregon EJTF and receives regular feedback and direction from the Oregon EJTF regarding agency programs and activities*
- Participate in, and work with EPA on, any national or regional EJ efforts or initiatives, such as EPA Region 10’s Making a Visible Difference steering committee
 - *Completed – Oregon DEQ staff worked to implement the EPA Region 10 Making a Visible Difference conference in Portland in 2016-17 and continue to work with community-based organizations and project partners identified through their involvement with the conference*
- Coordinate with EPA to develop EJ trainings for specific Oregon DEQ programs
 - *Ongoing – Oregon DEQ works closely with EPA Region 10 and headquarters to develop, refine and improve agency trainings for EJ*
- Consult with state and local environmental public health agencies to incorporate EJ considerations into programs, such as priorities for air toxics site investigation
 - *Completed and ongoing – EJ is incorporated in the draft rules for Cleaner Air Oregon, a new air toxics regulatory program rule making started in April 2016 and is scheduled for final approval and implementation in late 2018. The draft rules use demographic factors, based on income and minority population data, as part of the assessment for potential focus sites/communities*

- Collaborate with EPA to identify LEP individuals who need language assistance using data such as EJ Screen, the latest census data, or information from DEQ
 - *Ongoing in an as-needed basis, with need for improvement in 2018-20 PPA*

Outreach

- Diversify Oregon DEQ's advisory committees and workgroups, including, but not limited to, participants representing environmental justice issues
 - *The advisory committee membership solicitation for the Cleaner Air Oregon project included broader community-based announcements in 2016. The resulting committee (2017) had several members representing EJ issues and others from EJ-related advocacy organizations.*
 - *DEQ expects to continue this commitment in the 2018-20 PPA*
- Establish DEQ protocols for culturally appropriate community engagement, taking into account demographic indicators and Limited English Proficiency
 - *Oregon DEQ was unable to formalize protocols for culturally appropriate community engagement during the 2016-18 PPA; however, draft protocols and guidance were created as part of the training provided to staff on the use of EJSCREEN in 2016 and 2017*
 - *DEQ expects to continue this commitment in the 2018-20 PPA*

Tools

- Develop a tool to take into account demographic indicators for prioritizing DEQ's work
 - *Completed and ongoing – Oregon DEQ staff primarily use EJSCREEN for its demographic information, which is taken into account with other data to inform agency decisions*
- Explore opportunities to focus Supplemental Environmental Project funds resulting from civil penalties for environmental law violations in communities with environmental justice concerns
 - *DEQ expects to continue this commitment in the 2018-20 PPA*
- Develop a Limited English Proficiency implementation plan with measureable outcomes to address the identified needs of LEP populations and provide guidance for Oregon DEQ
 - *DEQ expects to continue this commitment in the 2018-20 PPA*
- Continue to develop an agency implementation and staff training plan, with outcome-based measurements, for using EPA's EJSCREEN when DEQ decisions may affect communities with identified or potential EJ concerns
 - *Completed - Training for EJSCREEN was made available to all DEQ staff across the state in 2017 and 2018, with approximately 20 in-person and web-based trainings provided*
 - *Ongoing – Yearly refresher courses on using EJSCREEN will be available for all staff, with a focus on providing smaller or individual trainings to new staff as they join the agency. As-requested trainings are and will continue to be available to all current and new agency staff*

Accountability

- Consult with the Oregon Environmental Justice Task Force to measure success while developing the Environmental Justice section of the next PPA; review work completed during the previous grant cycle and seek task force input about how to improve moving forward

- *Ongoing – This review and engagement will occur for all PPA cycles*
- Reduce localized impacts of air toxics in communities with environmental justice concerns statewide through the Cleaner Air Oregon regulatory reform program
 - *Ongoing – the Cleaner Air Oregon program includes environmental justice considerations; the program’s implementation is subject to Oregon Environmental Quality Commission approval in winter 2018*
- Incorporate EJ and cultural competency expectations and understanding implicit cultural bias in Oregon DEQ manager position descriptions and performance management materials
 - *Partially completed – Cultural competency language has been added to some manager position descriptions and performance management materials*
 - *DEQ expects to continue this commitment in the 2018-20 PPA*
- Ensure compliance with Title VI of the Civil Rights Act of 1964. This includes participating in EPA sponsored training and/or guidance to help achieve compliance with Title VI
 - *Ongoing – Oregon DEQ’s Human Resources office maintains compliance reviews for Title VI, which will continue in the 2018-20 PPA with enhanced opportunities for additional staffing resource for Title VI training*
- Take reasonable steps to ensure meaningful access to programs and activities that impact LEP persons, by following the four factors according to 69 Fed. Reg. 3502 (June 25, 2004), at: <http://www.gpo.gov/fdsys/pkg/FR-2004-06-25/pdf/04-14464.pdf>
 - (1) the number or proportion of LEP persons eligible to be served or likely to be encountered
 - (2) the frequency with which LEP individuals come in contact with or impacted by program/activities
 - (3) the nature and importance of the program, activity, or service provided by the ODEQ to people’s lives; and
 - (4) the resources available including costs considerations
 - *DEQ expects to continue this commitment in the 2018-20 PPA*
- Provide notice to LEP persons that language services are available and that they are free of charge
 - *Ongoing – Oregon DEQ maintains this language on its website and fact sheets*
 - *DEQ expects to continue this commitment in the 2018-20 PPA*

Training

- Maintain an online training for environmental justice that is available to all employees
 - *Completed and ongoing – This training will remain available to all Oregon DEQ employees*
- Strongly encourage all managers and staff whose primary work responsibilities include permitting or field work to complete the online EJ training
 - *Completed – The EJSCREEN trainings were not mandatory; however, they were provided to all Oregon DEQ employees regardless of position and had a dedicated emphasis for field work or permit program staff*
 - *Ongoing – Post-training technical assistance and project-specific consultations are available to all staff*
- Provide all DEQ employees opportunities to access training in cultural competency and understanding implicit cultural bias
 - *Partially completed – Information on cultural competency and implicit bias was made available, without specific training opportunities, to some managers and administrators*
 - *DEQ expects to continue this commitment in the 2018-20 PPA*

- Provide all DEQ employees opportunities to access training about EPA’s tool to evaluate demographic indicators for prioritizing work and engaging communities
 - *Completed – This task was integrated into the trainings for EJSCREEN, with EJSCREEN serving as the tool for demographic analysis and supplanting prior DEQ-developed methods*
- Coordinate Technical Assistance/Training needs for Title VI and LEP with EPA
 - *DEQ expects to continue this commitment in the 2018-20 PPA*
- Provide training to managers and staff regarding LEP policies and procedures
 - *DEQ expects to continue this commitment in the 2018-20 PPA*

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.

August 2018

DLCD 2017 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:

<http://www.oregon.gov/LCD/docs/goals/goal10.pdf>

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:

<http://www.oregon.gov/LCD/docs/goals/goal12.pdf>

DLCD also addresses environmental justice through the Land Conservation and Development Commission’s (LCDC) *Citizen Involvement Guidelines for Policy Development* (CIG), and the Citizen Involvement Advisory Committee (CIAC).

1. The CIG requires DLCD work groups and LCDC advisory committees to have at least one “citizen” who is “charged with determining and representing the very broad interests of citizens in general rather than the interest of any particular person or group that may otherwise advocate for or against a policy proposal.”
2. The CIAC, which meets four times a year, advises LCDC on issues pertaining to citizen involvement. CIAC has created public involvement guidelines for local governments and created a new ACE (Achievement in Citizen Engagement) award for local governments and others who do an outstanding job of engaging citizens in the public process of making land use decisions.

How has the agency worked to increase public participation of individuals and communities affected by agencies’ decisions?

As yet, the agency has followed current practices outlined above more than we have looked to improve our efforts. We are a small agency and resources (including staff) are limited.

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 1.73million dollars in funding to help rent burdened communities around the state perform Housing Needs Analyses (HNA). 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.

DLCD has a Policy Option Package request focused on Development Readiness that has been submitted to the governor for funding to continue this work.

The agency is also in the process of completing our website migration to the new state platform and revising content for readability, accessibility, and relevance. The department hopes this will create more accessible, understandable, and timely information on program fundamentals, proposed changes, and issues that have potential impact for the environmental justice community.

Report on details of agency funding/budget commitments to EJ Task Force Liaison.

None.

Sadie K Carney | Rural Policy Analyst/Communications Manager
Director's Office
Oregon Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540
Direct: (503) 934-0036 | Cell: (503) 383-6648 | Main: (503) 373-0050
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Oregon

Kate Brown, Governor

Department of Geology and Mineral Industries

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Portland, OR 97232-2162
(971) 673-1555
Fax: (971) 673-1562
www.oregon.gov/DOGAMI

January 31, 2018

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

Jason Miner, Natural Resources Policy Manager
Governor's Natural Resources Office
900 Court Street NE, 254
Salem, OR 97301

Dear Mr. Iboa and Mr. Miner:

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 Government-to-Government 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 2017.

Sincerely,

Brad J. Avy
Director

cc: Ben Mundie

2017 Environmental Justice Task Force Report

Department of Geology and Mineral Industries

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 Reclamation and Regulation (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.

The agency actively participates in the Cultural Resource Cluster and the Natural Resource Cluster groups of the Legislative Council of 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. The agency plans to further the progress of environmental justice through intentional recognition and consideration of environmental justice in its training, program and project planning, project development, and implementation.

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.



Oregon

Kate Brown, Governor

Department of State Lands

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www.oregon.gov/dsl

March 28, 2018

State Land Board

Jason Miner
Environmental Justice Task Force
Office of the Governor
900 Court Street NE
Salem OR 97301

Kate Brown
Governor

Dennis Richardson
Secretary of State

Re: DSL Annual Report – Calendar Year 2017

Tobias Read

State Treasurer

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 the agency's legislative coordination and communications functions.

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.
- Business Operations and Support Services - including Fiscal Services, Human Resources, Information Systems, agency-wide rules coordination, and clerical support services.

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 a senior policy and legislative analyst in the Director's Office. DSL allocated 5% of the position's time to this task. The citizen advocate is the primary contact for coordination with EJ concerns:

Christopher Castelli
Senior Policy and Legislative Analyst
Oregon Department of State Lands
Phone: 503-986-5280
Cell: 503-508-4312
Fax: 503-378-4844
chris.castelli@state.or.us

The citizen advocate continues to seek, support and create opportunities for further EJ training for all DSL employees. The citizen advocate participated in the quarterly EJTF meetings and provided summaries of agency related EJTF meeting topics to, or had discussions with, appropriate management and staff. DSL's citizen advocate also serves as the agency's tribal liaison and is a member of the Multicultural Awareness Committee.

DSL has established an [environmental justice webpage](#). Agency staff and the public can find links to valuable resources such as "Environmental Justice: Best Practices for Oregon's Natural Resource Agencies" handbook by the EJTF; and the Environmental Protection Agency's "EJSCREEN: Environmental Justice Screening and Mapping Tool Share."; and the EPA's strategic plan for advancing environmental justice from the years 2016-2020(EJ 2020). The webpage also provides links to agency reports and contact information.

2017 EJ Efforts at DSL

Working with Tribal governments:

DSL continues to coordinate with Oregon's 9 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 Cluster and Natural Resources Workgroup meetings throughout the year. In addition, executive staff attended the LCIS Tribal Governments Day at the Capitol on February 9, 2017; and the Annual State-Tribal Summit on November 2, 2017 in Lincoln City.

In 2017, DSL adopted an agency policy (attached) that works to establish, promote and improve government-to-government relations between DSL and Oregon's federally recognized tribes. DSL presented this draft policy to the Legislative Commission on Indian Services Cultural

Resources Cluster and Natural Resources Workgroup prior to being formally adopted on June 26, 2017.

DSL's Multicultural Appreciation Committee provides information on National American Indian Heritage Month for all staff and posts the Governor's proclamation in November of each year. The November All Staff meeting included a presentation on cultural resources by David Harrelson (with Briece Edwards), Cultural Resource Department and Tribal Historic Preservation Officer for the Confederated Tribes of Grande Ronde.

Staff members from different programs participated in multiple forms of communication and coordination with tribal representatives and workgroups including bilateral education and training. Increased efforts were made in outreach including requests for comment and participation with potentially affected tribes regarding removal-fill permit and land management activities, decisions and potential regulatory process changes. DSL executive staff engaged in government to government consultation with tribes on a few high-profile projects including Willamette Falls Fishing Platforms and the evaluation of the best administrative location (host partner) for management of South Slough. DSL's coordination with the tribes is detailed in the agency's 2017 Annual Government-to-Government Report and in DSL's State Agency Coordination Plan, which are available upon request.

Multicultural Awareness Committee (MAC):

The 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.

The MAC provides DSL's biennial diversity training sessions. This training typically occurs in September of the even numbered years. The MAC is in the process of setting the schedule for the 2018 training.

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.

Outreach and Public Participation:

DSL has utilized the EJTF best practices handbook and EJSCREEN to draft internal policy related to agency rulemaking and making natural resource decisions. In March, a memo was completed that provided management with an introduction to the newly established "Environmental Justice: Best Practices for Oregon's Natural Resource Agencies" and "EJSCREEN: Environmental Justice Screening and Mapping Tool Share."

DSL began running waterways management and removal/fill permit activities through EJSCREEN. Data on the Demographic Index (The Demographic Index in EJSCREEN is a combination of percent low-income and percent minority, the two demographic factors that were explicitly named in Executive Order 12898 on Environmental Justice.), low income households, and linguistic isolation (Percent of households in which no one age 14 and over speaks English "very well") is collected for these activities. Any demographics over the 80th percentile are flagged for further evaluation. DSL has also flagged applications in census blocks where the percent of low income households is greater than 45% or the percentage of linguistically isolated homes is greater than 5%. DSL collected this information monthly for one year (April 2016 to April 2017). DSL found that roughly 34% of permitted activities analyzed were flagged under these parameters.

DSL has been implementing a rulemaking outreach strategy which was 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.

DSL adopted a [Strategic Plan](#) in 2017 to guide the work of the agency. One of the Plan's objectives is to *"Develop and implement a customer engagement strategy, which includes program-specific customer service improvement plans."* The customer engagement strategy was drafted by volunteers from each agency program, and are informational, user-friendly tool, that outlines the DSL philosophies, standards, and responsibilities we all share when we engage with our customers. The group reviewed and utilized the EJ Best Practices Handbook in the drafting of the customer engagement strategy. The 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 EJ Task Force participated in this review and survey.

2018 Goals

DSL 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 plans to finalize an agency-wide Customer Engagement Strategy in 2018, and to follow up with program specific guidelines. DSL will also continue to use EJ Screen and the EJ Task Force 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 EJ issues and to improve outreach with EJ communities.

Sincerely,



Vicki L. Walker
Director



DSL Agency Policy

Subject: State/Tribal Government-to-Government Relations **Number:** 141-P-038

Division: Director's Office **Effective Date:** 06/26/2017

Approved:

A handwritten signature in black ink, appearing to be "D. R. L.", written over the "Approved:" label.

Authority: ORS 182.162 to 182.168; Governor's Executive Order 96-30

Applicability:

Executive service, management service, classified represented and unrepresented employees and volunteers.

Policy Statement:

It is the policy of the Department of State Lands (DSL) to establish, promote and improve government-to-government relations between DSL and Oregon's federally recognized tribes in compliance with ORS 182.164 as adopted by the Oregon Legislature in 2001 under Senate Bill 770. This law directs state agencies to not only promote and cultivate government-to-government relations with Oregon's federally recognized tribes, but to develop and advance policies that take into consideration tribal interests and concerns when implementing state programs that may affect tribal interests.

Because DSL recognizes and respects the sovereign status of Oregon's federally recognized tribes, the goal of this policy is to maximize tribal relations and collaborative efforts and to resolve potential concerns by enhancing the exchange of information, ideas and resources.

Definitions:

Annual Report: Refers to the annual report by DSL to the Governor and to the Legislative Commission on Indian Services on tribal relations as required by ORS 182.166.

Authorities: Refers to the Oregon Administrative Rules and Regulations and Oregon Revised Statutes that govern the actions and responsibilities.

Cultural Resource Cluster: Refers to the Tribal-State workgroup established by Senate Bill 770 to address cultural resource issues, including historic buildings, archaeological sites and elements of the natural landscape that have cultural significance. The workgroup consists of key state agency contacts and a representative from each of Oregon's federally recognized tribes.

Legislative Commission on Indian Services refers to the 13-member agency that was created by statute in 1975 to improve services to Indians in Oregon.

Natural Resources Workgroup: Refers to the Tribal-State workgroup established by Senate Bill 770 to improve communication between the state and tribes regarding natural resources protection and management. The workgroup consists of key state agency contacts and a representative from each of Oregon's federally recognized tribes and a representative from the Governor's Office.

Oregon Federally Recognized Tribes: Refers to the 9 federally recognized tribes in Oregon as represented by their Tribal Council and other authorized representatives.

Programs: Refers to the programs that the Oregon Department of State Lands implements to execute the Oregon Administrative Rules as decreed by the Oregon Constitution.

Tribal Liaison: Refers to the DSL employee who is responsible for facilitating, promoting and ensuring communication between DSL's program managers and Oregon's federally recognized tribes.

Policy:

- A. Overall responsibility for developing and implementing DSL programs that may affect tribes rests with DSL's director and deputy directors.
- B. DSL will maintain an agency liaison (tribal liaison) to Oregon's federally recognized tribes.
- C. DSL's director, tribal liaison and appropriate division administrators will offer to meet with Oregon's federally recognized tribal leaders on a regular basis to consult on tribal interests or concerns related to DSL activities, to build relationships and to discuss any upcoming issues of interest and explore opportunities for greater state-tribal partnership and collaboration.
- D. DSL will provide regular training to agency managers and key staff who communicate or work with tribal governments.
- E. DSL will support and participate in cooperative efforts between tribal governments, federal, state and/or local government on environmental issues/concerns that cross jurisdictional boundaries.
- F. DSL's tribal liaison will actively participate as a member of the Tribal-State Natural Resource Workgroup and Cultural Resource Cluster.
- G. DSL will seek tribal representation on DSL advisory committees that are of interest to tribes. DSL will support the exchange and sharing of data collected by DSL staff or by tribal governments.
- H. DSL will ensure that agency managers and all staff are aware of the sovereign authority and self-government of Native American Tribes and of the organizational structure of tribal governments.
- I. DSL will use advice and guidance when appropriate from the Legislative Commission on Indian Services and its staff on tribal government matters.
- J. DSL's Director's Office shall be responsible for submitting an annual report by December 15th every year to the Governor and the Legislative Commission on Indian Services as required under ORS 182.166(3) highlighting DSL's government-to-government activities.
- K. DSL's tribal liaison shall provide the director with a summary of the year's activities that have been completed and an updated list of individuals responsible for management of DSL's programs that may affect tribes for the annual report.

**OREGON
OFFICE OF STATE FIRE MARSHAL**

**ENVIRONMENTAL JUSTICE TASK FORCE
2017 ANNUAL REPORT**



Prepared August 31, 2018

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 four critical agency programs to engage in the environmental justice landscape:

- The Oregon Community Right-to-Know program
- The State Emergency Response Commission (SERC) and Local Emergency Planning Committees (LEPC)
- The Regional Hazardous Materials Emergency Response Teams (RHMERT) program
- Hazardous Materials Transportation by Rail program

As the OSFM’s 2017 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 2017 that encourage public engagement in agency decisions affecting the environment in which people live, work, learn, practice spirituality, and play.

Community Right-to-Know

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 Environmental Justice communities will help orient agency consideration of health-based considerations, especially those grounded in cultural differences that may otherwise be overlooked.

2017 Accomplishments

A few years ago, the OSFM made a commitment to stakeholders to move from the paper submission process of Hazardous Substance Information Surveys to an online reporting tool. **In 2017**, the Community Right-to-Know team focused its efforts on identifying a vendor to build an online platform to meet this promise and transition all facility and chemical data into this virtual information repository. **On January 1, 2018**, a customized online product for was fully implemented as the “Oregon Community Right to Know Hazardous Substance Manager” (CHS Manager).

Citizens are able to register for access by navigating to the CHS Manager Homepage, selecting “citizen” from the drop-down list, and completing a few informational fields. Once registered, users can search for information about hazardous substances a few different ways:

The first option is a facility search – with a facility search users can search by Facility ID number, Facility Name, and Facility Address. Citizens also have the ability to search by county to show all the facilities within a specific county whom report hazardous sub-

Environmental Justice Task Force Annual Report - 2017

stances. Lastly, users can search by fire department to show all the reporting facilities within a fire department jurisdiction.

The second search option is Facilities with Chemicals – this allows users to perform a statewide search for facilities that store a specific chemical. Citizens can also perform a statewide search of all facilities whom report a specific Physical or Health Hazard, Facilities storing Extremely Hazardous Substance (EHS) chemicals, Subject to EPA Toxic Release Inventory (TRI) Reporting, Subject to Process Safety Management (PSM) Regulations, Facilities storing EHS quantities that exceed EPA Threshold Planning Quantities (TPQ), and Facilities subject to Clean Air Act Section 112r.

The State Emergency Response Commission (SERC) and Local Emergency Planning Committees (LEPC)

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 (SERC) Executive Committee and Emergency Planning Districts, otherwise known as Local Emergency Planning Committees (LEPCs).

SERC

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:

| | |
|---|---|
| Oregon Office of State Fire Marshal | Office of Emergency Management |
| Oregon Department of Transportation | Oregon State Police |
| Governor's Office | Oregon Health Authority |
| Oregon Department of Environmental Quality | Local Emergency Management |
| Oregon Emergency Management Association | Local Emergency Planning Committees (LEPC) |
| Industry | Oregon Fire Chiefs Association |
| Regional Hazardous Material Response Teams | Oregon Sheriffs Association |
| Oregon's Tribes | Association of Oregon Counties |

LEPCs

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

2017 Accomplishments

Three LEPCs conducted functional exercises and two others conducted table top exercises simulating a transportation accident and release. These exercises test existing community emergency response plans and often involve emergency responders, local elected officials, and representatives from volunteer groups such as community emergency response teams and faith-based disaster response organizations.

Many of the LEPCs participated in county fairs and local emergency preparedness workshops, providing information to the public about the types of hazardous substances in their communities and how to prepare their families to protect themselves during a release.

The Office of State Fire Marshal held the statewide 2017 Oregon LEPC Conference in Seaside, Oregon on **May 22-24, 2017** at the Seaside Convention Center. This conference was an opportunity to enhance the knowledge and understanding of the Emergency Planning and Community Right to Know Act (EPCRA) and provided valuable information and ideas. This was an opportunity for networking with people from across the state involved in LEPC activities, emergency planning, and response to hazardous materials incidents. This conference was hosted by the OSFM and funded by a federal hazardous materials emergency planning grant.

The Regional Hazardous Materials Emergency Response Teams (RHMERT) program

Oregon's Regional Hazardous Materials Emergency Response Teams (RHMERT) protect life 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 industry wherein resources are shared to create a program that is both economical and successful.

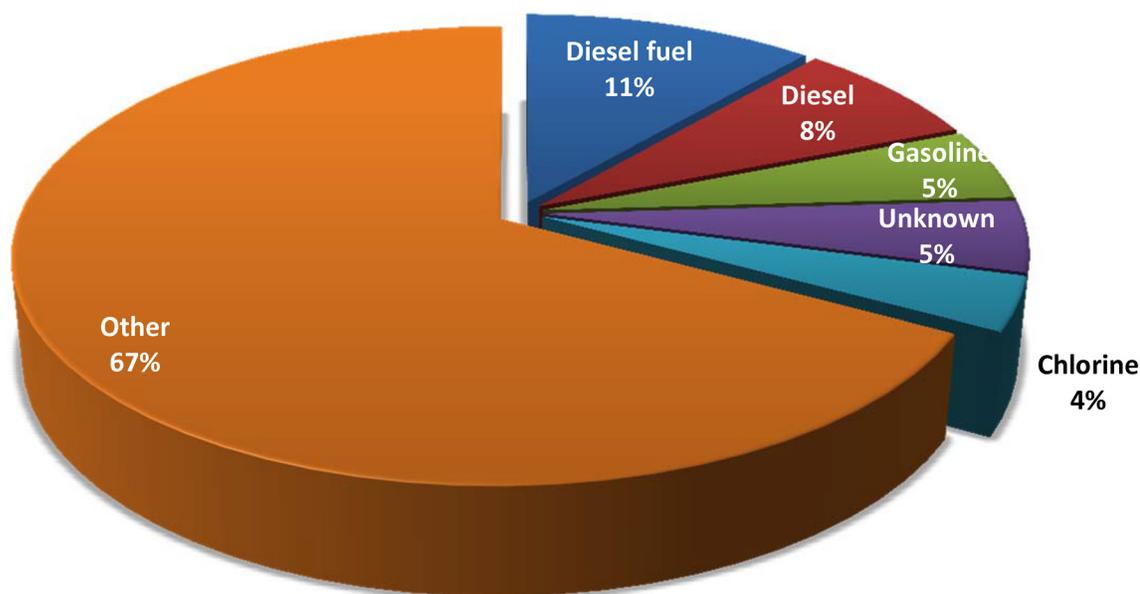
The OSFM works with the HAZMAT teams to ensure proper training, equipment, and medical exams are provided to responders. Teams consist primarily of volunteer and career firefighters, with some law enforcement and public works employees. Team members attend a minimum of 160 hours of specialized training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

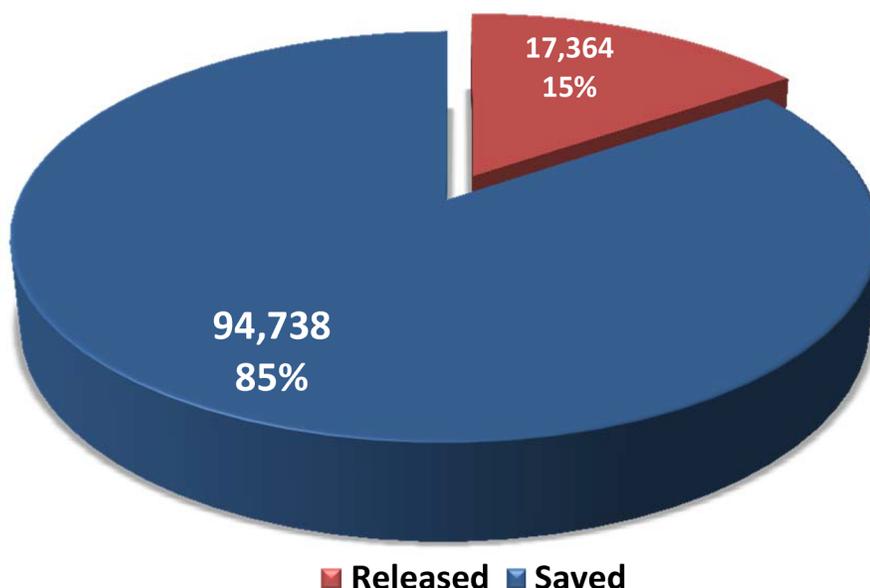
2017 Accomplishments

State HAZMAT Team Responses

Substances Handled by State Hazmat Teams in 2017



Hazardous Substance Units Released vs. Saved



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 2017, team members participated in a number of notable outreach events including:

- HM01 Roseburg conducted an outreach at a Costco Safety Fair on July 22nd that reached over 250 people in their Douglas County community. They were also able to improve relationships with many attending agencies such as the Mercy Medical Center, Douglas County Sheriff's Office, Douglas Forest Protective Association, REACH Air Medical Services, and Oregon State Police.
- HM15 Coos Bay went over their team's capabilities in September at their Open House at Fire Station #1 in which they had approximately 400 people from their community in attendance.

Hazardous Materials Transportation by Rail program

Governor Kate Brown signed House Bill 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.

2017 Accomplishments

Local HAZMAT by Rail Emergency Plans

A key component of HB 3225 is for the OSFM to coordinate emergency response planning activities with a specific focus on oil or hazardous material spills or releases that occur during rail transport. In 2017, 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 will focus on the top, most common hazardous commodities transported by rail through their respective areas and plan for a potential incident. These plans will contain many elements including, but not limited to: modeling of potential toxic gas releases, shelter-in-place strategies and evacuation routes, initial first responder checklists, equipment cache locations, and many more. These plans are being developed with input from the impacted community and 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.

| County | Rail line(s) traversing region | Estimated plan completion date |
|-------------|--------------------------------|--------------------------------|
| Clackamas | UPRR, BNSF, P&W | July 2018 |
| Klamath | UPRR, BNSF | May 2018 |
| Linn-Benton | UPRR, PW, Albany Eastern | May 2018 |
| Marion | UPRR, P&W | July 2018 |
| Morrow | UPRR | May 2018 |
| Multnomah | UPRR, BNSF, P&W | July 2018 |
| Polk | P&W | May 2018 |
| Umatilla | UPRR | May 2018 |

Environmental Justice Task Force Annual Report - 2017

Tabletops 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” format with representatives from all forms of public and private agencies. TTXs in particular, are designed to test emergency response plans, reveal operational gaps, identify training needs, and recommend updates to plans. Notable tabletop exercises or discussions in 2017 included:

| Activity | Community | Topic | Audience |
|---|-------------------|--|---|
| Bend City Club meeting | Central Oregon | Rail safety and emergency response readiness | Civic leaders, private industry, emergency responders |
| Oregon LEPC conference | Statewide | 2016 Mosier Crude Oil Train Derailment Case Review | Emergency managers, LEPC members, private industry, emergency responders |
| Oregon Emergency Preparedness workshop | Statewide | 2016 Mosier Crude Oil Train Derailment Case Review | Emergency managers, government executives and senior officials, non-governmental planning and response organizations |
| Pacific Northwest Economic Region (PNWER) Disaster Resilience symposium | Pacific Northwest | 2016 Mosier Crude Oil Train Derailment Case Review | Emergency managers, government executives and senior officials, non-governmental planning and response organizations |
| Portland Neighborhood Emergency Team (NET) | Linnton | Hazmat rail awareness | Neighborhood emergency team (NET) members |
| Spill response exercise (BNSF/Tesoro) | Hermiston | Demonstration of spill response plan strategies | Washington and Oregon state legislative representatives, government executives and senior officials, non-governmental planning and response organizations |
| Tabletop exercise | Hood River | Derailment scenario involving a hazardous material release in Hood River | Emergency managers, public safety, community leaders, hospital administrators |
| Tabletop exercise | Portland | Derailment scenario involving a hazardous material release in Portland | Emergency managers, public safety, community leaders, hospital administrators |
| Western States Petroleum Association conference | Western U.S. | 2016 Mosier Crude Oil Train Derailment Incident Overview | Petroleum industry stakeholders, elected officials, railroad emergency responders |



This plan was prepared by:

Oregon State Police
OFFICE OF STATE FIRE MARSHAL
oregon.gov/osp/sfm
[fb.com/OregonStateFireMarshal](https://www.facebook.com/OregonStateFireMarshal)
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Oregon

Kate Brown, Governor

Department of Agriculture

635 Capitol St NE
Salem, OR 97301-2532



March 14, 2018

Jason Miner
Environmental Justice Task Force
Office of the Governor
900 Court Street, Suite 254
Salem, OR 97301-4047

Re: Oregon Department of Agriculture 2017 EJTF Annual Report

Dear Governor's Office and Task Force Members,

On behalf of the Oregon Department of Agriculture, I want to thank the Environmental Justice Task Force and the Governor's Natural Resources Office for helping to make environmental justice issues an integral part of the Department's activities.

In fulfillment of our annual reporting responsibilities under ORS 182.550, the Department respectfully submits our 2017 report. If you have any questions regarding this report, please contact Christina Higby at 503-986-5105 or chigby@oda.state.or.us.

Sincerely,

Alexis Taylor
Director



Oregon Department of Agriculture 2017 Environmental Justice Task Force Annual Report

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 address environmental justice issues and promote public participation efforts related to the agency. ODA has policies and procedures in place to ensure it meets these efforts and support progress on environmental justice. The following activities represent the agency in that effort:

At ODA, all manager position descriptions identify cultural competency, diversity, and inclusion as position responsibility. These values are incorporated into all managers' performance evaluations. In 2017, ODA also updated its strategic plan to include diversity, equity and inclusion as part of the agency's core values. This has been solidified by outreach efforts made to encourage diversity among Oregon's Agricultural Commodity Commissions. The Board of Agriculture has added two new members that represent the diverse population of Oregon's agriculture community. ODA's Strategic Plan can be found at <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. This position also is on the planning committee for Oregon's annual Diversity and Inclusion Conference which provides relative training and education to state employees. Additionally, ODA regularly attends the Governor's Diversity & Inclusion/Affirmative Action bi-monthly meetings.

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. A report of ODA's government-to-government activities is prepared annually and can be found on the Legislative Commission on Indian Services website (<https://www.oregonlegislature.gov/cis/Pages/Gov-to-Gov-Annual-Reports.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. Improving access to locally produced foods is a proven pathway to improved school achievement and prosperity for communities. Additionally, ODA hosts FoodCorps, which is a national service program. 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.

Every year, ODA translates more publications into Spanish. In 2017 a few of the publications translated into Spanish include: How We Work for You brochure that provides information on the agency and its programs; Oregon Agricultural Facts and Figures; and Oregon's Top 20 Agricultural commodities poster.

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

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 issues 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 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 2017, the Citizen Advocate and Liaison provided an overview of its EJ outreach process on CAFO Public Notice activities at a CAFO Advisory meeting.

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 2017, in conjunction with other state and local agencies, community partners, and stakeholders, IPPM initiated a proposed five (5) year eradication program to combat the destructive Japanese Beetle found in Northwest Portland. Outreach and education efforts were made to the approximately 2,500 properties located within the treatment area. Open houses and workshops providing information on the invasive pest and the eradication efforts were offered in several locations during evening hours and on weekends. Several types of media were used, including signs and electronic boards located in highly visible locations, mailings, and press releases in multiple languages.

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.

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 in 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 Smoke Management Program administers the rules for field burning in the Willamette Valley to reduce smoke impacts to populated areas in an interest of public health and welfare. Based upon the "Summary of the 2017 Field-Burning Season" document, there were a total of 21 days when burning was conducted during the 2017 season; 7 of the 21 days resulted in either light or moderate 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. Detroit experienced 2 hours of moderate impact and 1 hour of light impact over one day. Lyons experienced 2 hours of moderate impact over one day and 4 hours of light impact over three days. Mill City experienced 3 hours of moderate impact over two days and 16 hours of light impact over seven days. A total of 103 complaints were received for the season. During the 2017 season, there were several wildfires burning in the Pacific Northwest that impacted air quality in many populated areas throughout the state. The full report can be accessed on [ODA's Smoke Management Program](#) webpage.

The Pesticide Program continues to increase efforts to reach and serve Spanish-speaking pesticide applicators and workers.

- ODA partnered with KUNP-TV in Portland to provide two Public Service Announcements (PSA) on pesticide safety outreach to Spanish speaking communities that work in landscape maintenance settings, and on agricultural establishments such as nurseries, greenhouses, forestry tract operations, and field crops. Each 60 second PSA aired for 3 months and aired multiple times per week between January and June 2017. The agricultural establishment PSA focused on Worker Protection Standards (WPS), of which that agricultural workers are entitled to (especially PPE, training, and anti-retaliation provisions), while the PSA directed toward landscape maintenance workers emphasized reading the pesticide label, protecting your family from "take home" pesticide exposure, drift

prevention, and prevention of pesticide contamination of water resources.

- Continued WPS trainings and presentations to diverse audiences.
- Ongoing participation in SolvePestproblems.org listening sessions which are designed to provide feedback from Spanish-speaking stakeholders: Provided applicator training on pollinator protection, Intergraded Pest Management (IPM), and label comprehension.
- Actively participate in events and workshops throughout the state that emphasize minority groups to provide outreach and education about pesticide safety and pollinator protection.
- Continued translation of ODA publications into Spanish. Some of the publications translated in 2017 include the Report of Loss (ROL) form; How to reduce pesticide exposure and risk to bees; and the Oregon Core Manual Addendum. Additionally, ODA staff assist partners and stakeholders with Spanish translations of their respective publications including the 2nd edition of the National Pesticide Applicator Certification Core Manual, and pollinator protection resources for the Oregon Bee Project.

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.

2017 ODE Report to Environmental Justice Task Force

The Oregon Department of Education (ODE) submits this 2017 report to the Environmental Justice Task Force in compliance with ORS 182.550. Specifically, this report details ODE'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.

Much of the credit for ODE's progress can be attributed to the effort of the State Board of Education and the Office of Equity, Diversity and Inclusion (EDI) created within the agency. These two organizations are working together to ensure that historically marginalized voices are being heard in support of both educational equity and environmental justice.

State Board of Education

The State Board of Education is charged with setting policy for all of Oregon's public elementary and secondary schools. It is comprised of seven members appointed by the Governor and they serve for a term of four years. Additionally, the State Treasurer and Secretary of State also serve in an *ex officio* capacity.

The current State Board of Education is continuing to making inclusion of historically underserved populations a cornerstone of its policy. Their annual retreat (August 2018) is dedicated to "Diversity, Equity & Inclusion as it Relates to Student Success." This builds on some things the State Board did in 2016 such as, 1) updating the requirements for rule adoption. Specifically, when a rule is proposed before the State Board for adoption, the explanation for the rule must contain analysis and discussion of how the rule affects historically underserved populations and promotes equity across the education system of Oregon. What stands out in this process is that those proposing the rule for adoption must identify who was asked to be part of the stakeholder group and also identify potential voices that were missing, 2) the State Board continues to require a specific equity impact analysis for every proposed rule. This means that those proposing the rule for adoption must look closely at the rule and identify whether historically underserved populations will be impacted by the proposed regulation. If there is an impact, then those proposing the rule must show how this impact actually helps those communities to close both the opportunity and achievement gaps. This process ensures the Board is well aware of how their decisions impact communities across the state, and 3) the State Board continues to ensure that all communities have an opportunity to participate in Board proceedings. The State Board holds meetings in different communities throughout the state, and when provided the opportunity, tours local education facilities to learn how local districts are serving all of their

populations. This focused effort aligns with the vision of a multicultural education for all Oregonians. It also helps ensure that communities who may not be able to travel to the standard Board meeting site, are better able to participate in the Board's proceedings.

Office of Equity, Diversity & Inclusion (EDI)

As reported last year, EDI continues to utilize the equity lens to reduce both the achievement and opportunity gaps. EDI also makes sure that historically underserved communities are included in decision-making and celebrated. This effort aligns well with the purpose of environmental justice: to ensure that those most impacted by decisions have meaningful opportunity to be heard.

EDI continues work on two initiatives to close opportunity gaps and has joined in efforts on a third. One is the statewide education plan to improve outcomes and academic success for African American students who are in the public education system, including early learning facilities and post-secondary education. There were program operating in four areas of the state. Now there are nine. The second is continuing response to HB 3499 with a focus on English Language Learners (ELL). This work includes creating a statewide strategic plan and ensuring that funding directed by the Legislature is used to support the ELL community and ensure they receive services to develop English language skills. The third is working with the Ethnic Studies Advisory Committee to develop ethnic studies standards for our schools.

Continuing, although not a part of the EDI Office but functioning as an office on its own is the focus on Native American Education. This initiative recognizes that Native American students will benefit from additional resources to achieve equitable educational outcomes. These resources follow a recognition that additional cultural, historical, and physical activities help Native American students increase their educational outcomes in culturally competent and sensitive ways.

Conclusion

Through this multi-faceted approach ODE is ensuring that its vision for educational equity is aligned with environmental justice. ODE looks to continue its work advancing environmental justice as well as increasing educational adequacy. Closing the achievement and opportunities gaps ensures success for all communities.

Oregon Department of Forestry 2017 Annual Report to the Environmental Justice Task Force (EJTF)

Overview

As part of a renewed effort to engage with the Environmental Justice Task Force, the Oregon Department of Forestry (ODF) has assigned two employees to serve as citizen advocates to participate in the EJTF. Our department's engagement is driving increased awareness among both the Leadership Team - which is responsible for the implementation of Agency programs - and the Executive Team, which works with the Oregon Board of Forestry (BOF) on policy development. The citizen advocates have provided updates to these teams on the Environmental Justice mission and the outcomes of the quarterly EJTF meetings. This input is influencing how we think about community engagement and public outreach (when, where, how much) as well as the utilization and composition of numerous advisory committees. In addition, ODF is increasing efforts to engage with tribal entities and provide professional development around Government-to-Government relations, diversity, equity and inclusion as well as increased training and awareness of cultural resources.

Summarized below are areas of Department business we believe most directly intersect with the mission of the Task Force. For additional information about any of these topics or feedback on this report, please contact citizen advocates Andy White, Northwest Oregon Area Director – Executive Team member (Andrew.T.WHITE@oregon.gov; 503-359-7496) or Ryan Gordon, Family Forestland Coordinator (Ryan.P.GORDON@oregon.gov; 503-945-7393).

Key Areas of Community Engagement

Rule-Making Processes

- Forest Practices Act – Salmon, Steelhead, and Bull Trout Stream Rules
Changes to stream protection for Salmon Steelhead and Bull Trout (SSBT) that took effect in July 2017 increased forested buffers by 10 feet and doubled tree retention standards on small and medium streams in western Oregon that have salmon, steelhead and/or bull trout. As part of the rulemaking process, ODF utilized several methods to engage a variety of groups and solicit public comment, including:
 - News releases to create awareness of the process and provide time and location of the public hearings.
 - Hearings held in nine locations throughout the area affected. This number represents a significant increase in the number of public meetings to accommodate the strong interest in these rules.
 - Created a shared Riparian Rule e-mail address (RiparianRule@oregon.gov) to gather public comment.
 - The Board convened a Riparian Rulemaking Board Advisory Committee to provide stakeholder and other Agency perspectives on the rule language.

ODF received a total of 506 comments in a variety of formats from residents, private and industrial forest landowners, conservation groups, recreationists and other special interests; 87 of those were taken as oral testimony, 370 were e-mailed, and 55 were mailed or personally delivered by the March 1, 2017 deadline for comment.

Final – May 21, 2018

After the Board of Forestry adopted the rules, the ODF took multiple steps to reach potentially impacted landowners, operators, and the public. This outreach included:

- Delivered six training sessions to learn how to implement the rules.
- Sent 11,540 postcards to forestland owners and interested parties
- Produced five professional grade videos hosted on YouTube and available here: <http://www.oregon.gov/ODF/Working/Pages/FPA.aspx>.

- Forest Practices Act – Bald Eagle Rules

Changes to the rules for bald eagles took effect in September 2017. As part of the rule-making process, ODF engaged with a variety of groups including tribal governments, technical experts, stakeholders, the Board of Forestry's three Regional Forest Practice Committees, the Oregon Small Woodlands Association, and the Committee for Family Forestlands. The ODF held three public information meetings and public hearings during which oral public comments were received from four individuals, and six individuals provided written comments.

A video to provide an overview of the changes is hosted on YouTube and available here: <http://www.oregon.gov/ODF/Working/Pages/FPA.aspx>.

- Fire Protection Rules – 2017 Updates

Updates to the fire prevention rules for industrial operations, last reviewed in 1999, served to align with current harvesting technology and practices, while also providing clarification where needed. Significant rule changes included water supply delivery, Firewatch procedures, and fire tool requirements. Forest landowners and operators were actively engaged in the rulemaking process through various forms of communication methods:

- A diverse rule review committee comprised of landowners, forest operators, affiliated agencies, and ODF field and policy making staff met on several occasions over a two-year period. Committee members reached out to constituents in their respective fields for additional feedback.
- Proposed rule updates were presented at local workshops as well as statewide trade conferences.
- Provided written communication through ODF's Forestry Electronic Reporting and Notification System (FERNS), email, social media, and ODF and affiliated websites.
- A public hearing was held in Salem, where the Department received written testimony supporting the updated rules.
- The Board of Forestry promulgated the rule changes in June of 2017.

Public Engagement

- FERNS Notifications

The Oregon Forest Practices Act (FPA) governs forestry work on non-federal lands and includes a requirement that individuals implementing a forest operation must notify ODF. Operations include activities such as timber harvest, pre-commercial management activities, and pesticide applications. Notifications are filed online using the Forestry Electronic Reporting and Notification System, or FERNS. Anyone can subscribe to receive copies of notifications and updates – or submit official comments during the comment period. In

2017, ODF added a new feature to FERNs allowing subscribers to enroll online free of charge (previously, the system was paper-based and included a subscriber fee). The new online system enables subscribers to establish their geographic area of interest and electronically receive information about forest operations occurring within that area.

<https://ferns.odf.oregon.gov/e-notification>

<http://www.oregon.gov/ODF/working/pages/ENotification.aspx>

- Online Video Resources – FPA, Forest Health, Fire Prevention

ODF hosts videos via an agency YouTube channel. The YouTube statistics for last year show that people viewed videos 69,244 times. Each viewing averaged 1 minute 47 seconds. Viewers watched 123,786 minutes (85 days 23 hours) of ODF videos.

ODF continues to update its content and increase its video presence. Last year, through a Western Competitive Grant, the agency produced over 15 high-quality educational videos. The grant provided funding for video equipment, which will allow for sustained video production. Below is a sample list of some of the videos hosted on YouTube and used throughout ODF's website:

- [Bald Eagle Protection Rules: Oregon's Forest Practices Act Works](#)
- [Salmon, Steelhead, Bull Trout Streams Forest Practices Act Rules: Introduction](#)
- [Forest Practices Act Rules: Written Plans](#)
- [Keep Forests Healthy - Don't Move Firewood](#)
- [Summer Recreation and Fire Prevention](#)

- Outreach: Monitoring Plan for Reviewing Streamside Rules in Eastern Oregon and the Siskiyou Region

In late 2016, the Board of Forestry (Board) directed the Department to generate potential science monitoring questions regarding streamside protections in the eastern Oregon and Siskiyou regions, and to include stakeholders in that process. An online survey was used to solicit feedback and other written input. Staff conducted targeted outreach to Oregon's nine federally recognized tribes and their natural resources staff, took up the matter with several Board committees, and actively engaged with stakeholders. A total of 84 people participated in the survey and eight (8) written submissions were provided, in addition to 12 written submissions provided at Board meetings. In March of 2018, the Board used this information to direct the Department to conduct a review of existing science on stream shade, temperature, and streamside forest conditions in the Siskiyou region. The timeline for completion of this review is approximately one year.

Advisory Committees

- Committee for Family Forestlands

The Committee for Family Forestlands advises the Board of Forestry on policies impacting family forestland viability, resource protection, and forestry benefits. Based on its findings the committee recommends actions to the Oregon Board of Forestry and State Forester. The committee consists of voting members that represent landowner, conservation, industry, and general public interests, as well as non-voting agency members. Key topics in 2017 included water quality, ecosystem services, prescribed fire and fire in the wildland-urban interface, all-lands forest restoration, seed and seedling availability for family forest landowners, updates to Forest Practices Act rules (specifically, SSBT and Bald Eagle), climate

change, and updates on the Ritter Land Management Team private lands collaborative near John Day.

<http://www.oregon.gov/odf/board/pages/cff.aspx>

- Regional Forest Practices Committees
Regional Forest Practice Committees advises the Oregon Board of Forestry on current forestry issues and forest management practices. Three Regional Forest Practice Committees, serving the northwest, southwest and eastern regions of the state, were created by the 1971 Oregon Forest Practices Act. Under Oregon law, a majority of Regional Forest Practice Committees members must be private forest landowners and logging or forest operations companies. Key topics in 2017 included water quality, new harvesting technology, Operator of the Year Awards (<http://www.oregon.gov/ODF/Working/Pages/default.aspx>), and updates to Forest Practices Act rules (specifically, SSBT and Bald Eagle). Following is the link to the Regional Forest Practices Committee website: (<http://www.oregon.gov/ODF/Board/Pages/RFPC.aspx>).
- State Forest Advisory Committee
The objective of this committee is to provide a forum for **diverse interests to discuss issues, opportunities, and concerns** related to the Forest Management Plan, and provide advice and guidance to ODF as it relates to the implementation of the Forest Management Plan for Northwest Oregon state forests. This committee has been in place since 2012 and consists of members from throughout northwest Oregon. Membership includes non-affiliated citizens, representatives of timber, environmental and recreation groups, members representing watershed councils, tribal entities, and forest operators. In addition there are liaison non-voting members from the scientific/academic field.
<http://www.oregon.gov/odf/board/pages/sfac.aspx>
- Forestland Classification Committees
These committees work with ODF in classifying lands in each county for the purposes of fire protection. ODF provides fire protection on private and public lands classified as forestland within each forest protection district. Lands classified as forestland are then assessed fees for these services. A large part of this effort is doing outreach to those potentially affected by this work through public meetings, mailings, posting information on the respective county's website, as well as outreach through local organizations. Recent efforts have **expanded the number, location, and timing of public meetings** to allow more opportunities for residents and landowners to better engage with the committees on these projects.

Tribal Engagement

- In 2017, ODF reinvested in coordination with Oregon's nine federally recognized Tribal governments by renewing its Government-to-Government Relations Directive. ODF maintains active representation on the State-Tribal Cultural Resource Cluster and Natural Resource Workgroup. Additionally, ODF continues a tradition since 1999 of coordinating with the Nez Perce Tribe of Idaho concerning their interest in Northeast Oregon.
- ODF reached out to tribes in eastern Oregon and the Siskiyou to seek their comments on monitoring questions to review Forest Practices standards for stream protection.

Final – May 21, 2018

- Tribal representation on ODF committees have included the Coquille Indian Tribe on the Smoke Management Review Committee (currently), Federal Forest Advisory Committee and Sustainable Forest Indicator Committee; the Cow Creek Band of Umpqua Tribe of Indians on the Federal Forest Advisory Committee; and the Tribes of Grand Ronde currently on the Tillamook Forest Heritage Trust Board, State Forest Advisory Committee, Salmonberry Trail Intergovernmental Agency, and Oregon Community Trees Board.
- Local ODF Districts and Fire Protection Associations continue to collaborate with tribes on fire suppression training, mutual aid agreements, and fire protection agreements.
- The State Forester (Agency Director) visited three of Oregon’s nine federally recognized tribes and plans to meet with other tribes.

Professional Development

- ODF continues to invest in training agency leadership on the updated Government-to-Government Relations Policy and Procedures documents.
- ODF was an event sponsor in the 2017 Diversity, Equity, and Inclusion Conference.
- ODF continues to send leadership representatives to State-Tribal Government-to-Government meetings, training and events sponsored by the Legislative Commission on Indian Services.
- ODF continues to send field foresters and managers to the Archaeological Awareness Training sponsored by the Oregon Parks and Recreation Department. Employees are also trained in cultural resource awareness and tribal relations at agency meetings.
- ODF established procedures for agency employees to handle inadvertent discoveries of cultural resources during emergency and non-emergency forestry operations. Training on these procedures was a focus in 2017.
- ODF continues to review proposed forest practices operations for recorded cultural resource sites, in coordination with the State Historic Preservation Office.

Other Topics

- Federal Forest Restoration Program (FFRP) – Connection with Rural Jobs/Economy
Since the 2013-2015 biennium, ODF has collaborated with the US Forest Service and Bureau of Land Management to increase the pace, scale, and restoration of Oregon’s federal forests. Approximately 60 percent of Oregon’s forests are managed by a federal agency. Historically, these forests provided a significant source of timber to supply mills across much of rural Oregon. As a result from past management and aggressive fire suppression policies, much of Oregon’s federal forests are in urgent need of active restoration to increase resilience to wildfire, develop particular habitats, and improve watershed health. Forest restoration often includes timber harvest and includes contract opportunities for forest-based contractors in rural communities. ODFs Federal Forest Restoration program was prioritized in the 2017-2019 Governor’s budget as a means to support jobs and increase economic prosperity in Oregon’s underserved rural communities. ODFs investments include awarding grants to local collaborative groups to build social agreement for restoration treatments, contracting data collection necessary to authorize projects, and employing a seasonal workforce to complete timber sale layout ahead of the

proposed schedule. Tribal representatives participate in some of the forest collaboratives and in restoration project planning efforts on federal forestlands across the state. At times, FFRP investments help support restoration work that addresses the tribes interests in first foods, fish habitat quality, fuels reduction, forestry employment, and other objectives.

- Smoke Management – Engagement with DEQ

Since 1972, ODF administers the Smoke Management Plan (SMP) “to improve the management of prescribed burning as a forest management protection practice; and to minimize emissions from prescribed burning consistent with the air quality objectives of the federal Clean Air Act...” (ORS 477.552).

A Smoke Management Review committee was formed by ODF in consultation with DEQ. It serves as an advisory committee charged with making recommendations for improved implementation, policy changes or clarifications to accomplish the program’s goals. The committee’s primary focus is to review the smoke management policy and ensure program implementation is balanced in achieving these two goals (ORS 477.552):

- (1) “To improve the management of prescribed burning as a forest management and protection practice; and
- (2) To minimize emissions from prescribed burning consistent with the air quality objectives of the federal Clean Air Act and the State of Oregon Clean Air Act Implementation Plan developed by the Department of Environmental Quality.”

The committee included broad representation from key stakeholder groups, including public health professionals. After a series of meetings through 2017, the SMP has developed several recommendations:

- A change in the definition of smoke intrusions to eliminate non-health hazard smoke impacts and focus **on preventing smoke intrusions to sensitive groups like the very young and very old.**
 - Developing plans for Smoke Sensitive Receptor Areas to have a communication plan that would warn residents of impending prescribed burning smoke that may impact.
 - Other measures include “housekeeping” changes in the rule and allowance for greater use of polyethylene sheeting on piles to keep dry (allowing them to burn with fewer emissions).
 - **The potential connection with EJ communities** would be to reduce long term threats associated with large fires in rural communities by reducing the fuel hazards via the increased use of prescribed fire during times of the year when managers have more control over the timing of both the smoke created and acres burned.
- Pesticide Applications – Updated Worker Protection Standards, Aerial Applications
 - State Forests trains all field staff with worker training as defined under the Worker Protection Standard requirements. Selected employees have been trained with handler training based on whether they have a higher chance of being around pesticide applications.
 - State Forests has identified which contracts require training and has included language within the contract requiring all contractors train employees under Worker Protection Standards. In some cases, the division has provided training to contractors before the contract began to assure compliance.

Final – May 21, 2018

- Each district follows all guidelines requiring notification of employees on pending pesticide applications, including the location of treatments, chemicals involved, and restricted entry interval times. This notification remains in place for 30 after the expiration of the restricted entry interval.
- Pesticide Analytical Response Center (PARC) Member- PARC is mandated to perform the following activities with regard to pesticide-related incidents in Oregon that have suspected health or environmental effects:
 - Collect incident information, mobilize expertise for investigations, identify trends and patterns of problems, make policy or other recommendations for action, report results of investigations, and prepare activity reports for each legislative session.
 - As a member agency of PARC, ODF responds to pesticide use complaints within the agency's authority, which involves protecting natural resources on forestlands, and supporting the Pesticide Analytical and Response Center (PARC) member agencies by collaborating with investigations and communicating complaint information to PARC.
- Corrections Crews at South Fork, Mill Creek, Coffee Creek, and Shutter Creek.
 - ODF works daily with inmate crews from the minimum security institutions listed above for a variety of tasks, including fire suppression, tree planting, recreation trail maintenance, carpentry, metal fabrication, fuels reduction and more. Some inmates use these skills to get jobs when released from prison.
 - Because some of the inmate crews work on large fires, firefighting contractors see firsthand their quality of work. Many times, inmates that are scheduled for release during fire season are recruited by those contractors and get firefighting jobs immediately after release. At times contractors also come to these institutions to recruit, given the known skill sets that these inmates have. This past summer, three of the female inmates from the Coffee Creek Facility were offered jobs with fire contract crews when they were released because the contractors had worked with them on fires over the course of the summer and were impressed with their work ethic and skills.
 - South Fork is a facility located in the middle of the Tillamook State Forest where ODF and the Department of Corrections (DOC) are co-located. This is the largest inmate work program ODF is associated with, providing work for 150 – 200 inmates daily. In a study conducted by DOC, the recidivism rate for inmates at South Fork is 50% less than that of the rest of the state inmate population if they are at South Fork for two or more years. This positive outcome can be attributed to the close relationship between ODF and DOC to create a partnership that helps provide life skills to better integrate inmates back into society along with the coaching, mentoring and job skills they obtain from working with ODF crew coordinators.

The Oregon Department of Forestry is committed to working with the Environmental Justice Task Force through the assigned citizen advocates and the associated program implementation and policy development. By improving our understanding of environmental justice issues and our outreach efforts, we can assist the task force to achieve its mission.



Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Office of the Director

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January 17, 2018

Mr. Joel Iboa, Chair
Environmental Justice Task Force

Mr. Benjamin Duncan, Co-Chair
Environmental Justice Task Force

Mr. Jason Miner, Natural Resources Policy Manager
Natural Resources Office
Governor's Office
Salem, OR 97301

Dear Messrs. ^{Joel Ben Jason} Iboa, Duncan and Miner,



Thank you for the opportunity to work with the Oregon Environmental Justice Task Force. To comply with the reporting requirements of ORS 182.550 I have attached a short summary document. Also in meeting the requirements of ORS 182.545, I will continue to serve as our agency's citizen advocate.

If you have any questions or need additional information, please feel free to contact me at 503-947-6044.

Sincerely,

Curtis E. Melcher
Director

C Johanna Easter GNRO

Oregon Department of Fish and Wildlife
January 17, 2018

The Oregon Fish and Wildlife Commission (Commission) and the Oregon Department of Fish and Wildlife (ODFW) strive to maintain an excellent working relationship with Oregon's federally recognized Indian Tribes. We meet regularly with tribal representatives as we develop policy and regulations that impact tribal members and tribal interests. We work closely with the Legislative Commission on Indian Services and are members of both the Natural Resources Cluster and the Cultural Resources Cluster.

The Commission adopts Oregon Administrative Rules (OARs) for fish and wildlife management. The Commission meets 10-12 times annually, at least once in each congressional district. Consistent with state and federal law, all meetings are open to the public with opportunity for verbal and written testimony. Additionally, the Commission regularly includes a public forum on their monthly agendas. The public forum is an opportunity for individuals to speak to the Commission about issues that are not on the agenda. The public process is enhanced by way of regular receptions, field tours, and workshops that are open to the public. These venues provide additional opportunities for interaction with Commissioners in an informal setting.

A critical component of the formal rule making processes is public outreach. Agency staff conduct extensive outreach activities in communities across the state to develop rules and policies. For example, prior to setting annual big game regulations ODFW staff hold 25 meetings (one in each of the wildlife districts) to discuss species population status and develop harvest regulations. Fishing regulations are developed with public meetings held around the state to gather local comments and perspectives prior to the formal Commission rulemaking. One of the largest barriers to participation in hunting and fishing activities is the complexity of regulations and licensing requirements. As a result, the Department has undertaken several initiatives to reduce regulation complexity and simplify licensing requirements. This effort is a work in progress and includes important balance between species conservation and hunting and fishing opportunity.

Despite our efforts to hold public meetings at convenient locations around the state, the Department recognizes the difficulty reaching some communities with traditional meetings. We have been experimenting with a web-based approach to some public meetings and have been utilizing additional human dimensions surveys to help inform our decisions. For example, we conducted extensive surveys on our license and fee structure, the Commission process for hiring a new director, and to understand hunter and public attitudes toward the use of lead (Pb) ammunition in hunting. We recently completed a public opinion survey of Oregonians attitudes and valuation of fish and wildlife as well as their opinions about the Department. Survey results can be found at <http://www.dfw.state.or.us/agency/>. The Department also recently hired our first human dimensions professional to help inform our actions.

We develop our biennial agency budget proposal based on recommendations from a 50 member External Budget Advisory Committee (EBAC) and gather additional public input through a series of 8-10 town hall meetings held around the state. The EBAC and public process helps us prioritize agency programs and focus resources in areas of most interest to affected constituents. We proposed and EBAC supported our budget request for a transparency and citizen advocate position but unfortunately, General Fund revenue was not available.

The Commission and ODFW continue to rely on a lengthy list of citizen based volunteer advisory boards, task forces, and committees to help develop policies, budget priorities, and regulations. Some are required in Oregon Revised Statute, some in OARs, and some are ad hoc.

Since 2012, we have collaborated with the Legislative Commission on Indian Services to provide cultural resources training sessions to our field biologists at our annual meetings. This helps staff identify, report, and protect important cultural resources encountered in their regular natural resource management duties. In 2015, we collaborated with several other agencies in a shared service model to retain professional archaeological staff to conduct cultural resource surveys on Department owned lands. Based on response from field managers and need for additional surveys, in 2017 we recruited and hired a full time cultural resources specialist (archaeologist) to work on Department projects.

We continue to work on sustainability efforts related to the fish and wildlife resources we manage but also regarding the operation of Department facilities. For instance, we have reduced energy consumption at our facilities by 21.9% since 2009 and reduced our vehicle fleet and fuel consumption 9.8% and 10.0%, respectively. These actions have collateral benefits of reducing expenditures and focusing precious resources on our primary mission.

Oregon Department of Transportation 2017 Environmental Justice Task Force (EJTF) Report

Oregon Department of Transportation

The Oregon Department of Transportation (ODOT) is a recipient of Federal financial assistance. As a sub-recipient, the agency is required to comply with certain nondiscrimination laws and regulations. The primary federal nondiscrimination regulation governing the agency is Title VI of the Civil Rights Act of 1964 (Title VI). Title VI states:

“that no person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.”

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 of these guidelines task the state transportation agency with a responsibility to integrate environmental principles into planning and programming efforts and require that steps be taken to prevent disproportionately high and adverse effects on minority and low-income populations through Title VI and EJ analyses. This means that an agency obligation exists to ensure the negative effects of transportation projects do not disproportionately impact traditionally underrepresented populations.

The Oregon Department of Transportation’s (ODOT) Office of Civil Rights (OCR) Non-Discrimination 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:

Title VI matters raise EJ concerns. Therefore, Title VI and EJ principles should be considered jointly. ODOT’s Office of Civil Rights (OCR) is responsible for ensuring that the agency’s Title VI nondiscrimination and EJ policies are incorporated throughout each of the transportation project delivery phases. Furthermore, the Title VI/EJ/ADA Program Manager is on point to oversee 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 and Limited English Proficiency (LEP) and additionally manages the Americans with Disabilities Act for the Office of Civil Rights within ODOT.

This Title VI/EJ/ADA Program Manager position has the responsibility for developing and coordinating civil rights policies, programs and procedures; coordinating implementation activities of branch, region and local government offices; responding to complaints and concerns; reviewing sub-recipients for compliance; providing advice and direction to managers, employees and contractors; representing ODOT in the areas of Title VI, EJ and ADA to outside

entities; acting as liaison between ODOT and sub-recipients; reporting to FHWA and providing training in program areas. This position participates in training to identify and address EJ issues in daily work and therefore identifies and addresses EJ issues within ODOT and that of its stakeholders. Whether it is reviewing documents, providing training and addressing ODOT staff or the community on the responsibilities of EJ for state and local agencies, ODOT OCR staff continues in their education and assistance role in order to ensure a clear understanding of the Civil Rights policies that guide us.

Implementation:

Recipients of federal funding are responsible for implementing EJ requirements. At a minimum, the agency should identify minority and low-income populations and have procedures in place for involving these populations in the transportation decision-making process. Consistent with this responsibility, ODOT gathers this information using Census data, information from the schools within a project area and the EPA EJ Screen tool to identify EJ populations. ODOT further captures EJ information in Part 3 of the NEPA documentation and in the Project Close-out form. Over the past two years ODOT has continued to partner with other agencies, work through the Environmental Justice Taskforce (EJTF) team and independently research ways to enhance the data collection process. The overall goal is to be able to look at 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.

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. Moreover, OCR drafts a yearly 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. The Title VI Annual Accomplishments Report that is due to FHWA on October 1st each year includes information that is gathered by the SMEs from their prospective program areas, which includes all 5 of ODOTs regions. The surveys draw out critical EJ and Title VI information on projects, public participation, training, guidance documents, implementation of Title VI and EJ in to the day to day processes of program operations, data collection and any upcoming changes to the program in the areas of consideration. The Planning Department has completed a resource website for use by ODOT staff, the public and subrecipients. The site includes, Title VI, LEP and ADA examples, resources to “best practices”, mapping tools and other links to aid external partners and help to answer questions that they may have.

Some highlights from the 2018 EJ reporting year include the following:

The Strategic Business Services section at ODOT has recently updated their webpage to include assistance for ODOT project staff to access valuable resources using the posted Public Engagement Toolkit. The Public Engagement Guidebook has also been updated and enhanced in 2018. The Title VI/EJ/ADA Program Manager compiled and gained approval of the Title VI Implementation Plan for 2018. The Title VI Accomplishments Report highlighting ODOTs efforts in Title VI and EJ for the year 2017 was accepted by FHWA. Training on Title VI and EJ practices is provided by OCR staff in outreach meetings to local sub recipient agencies and by Field Staff to contractors. All ODOT concerns come through the OCR currently and are tracked in a database that is managed by the OCR Coordinator, Data and Website Manager and the Title VI/EJ/ADA Manager. The goal is to work with our citizens when they have questions related to ADA discrimination whether in highway projects at the Division of Motor Vehicles or at any of ODOTs buildings or access areas. However, while collecting this data and working with citizens with ADA requests any Title VI or EJ concerns are also mitigated with those citizens requesting assistance. An ADA Communication Team is in place to assist in working with Oregon's citizens, various ODOT departments its employees, and local agencies.

With the passage of House Bill 2017, the Oregon Legislature made a significant investment in transportation. Section 122 provides statewide funding for public transportation service from a new payroll tax of one-tenth of one percent on wages paid to employees. Proceeds from the payroll tax will be deposited into the Statewide Transportation Improvement Fund (STIF). This fund provides a new dedicated source of funding to expand public transportation service in Oregon communities. The STIF is funded by a statewide payroll tax and funds are redistributed—largely via formula—to the communities where the tax was collected. To offset the potential disproportionate impacts to low-income households, the entities that are eligible to receive these funds must include in their STIF Plan an explanation of how they define and identifies “communities with a high percentage of Low-Income Households,” so the committee can consider these criteria in decision making.

Under the current schedule, the first STIF Formula Fund solicitation disbursement will occur as early as April 2019. In 2019, ODOT expects to continue to provide guidance and feedback on equity definitions used for STIF funded improvements to assist fund recipients in ensuring that their methods address population that may be disproportionately impacted by poverty or access to public transportation services.

Over the past year ODOT Planners have worked to engage protected populations to ensure that services and benefits resulting from planning activities are fairly distributed to all people, regardless of race, national origin or income, and they have accessing to meaningful participations throughout the region. Each Planning Project active during the reporting period chronicles the project's equity activities on Title VI Project worksheets which are housed on ODOT's Title VI data collection intranet site.

In 2017, the Oregon Legislature authorized substantial funding to improve highways, transit, biking and walking facilities, and to 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. 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.

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.

The I-5 Rose Quarter Improvement Project (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.

ODOT felt it was important to do early and focused outreach within the African American community given the well documented history of development and infrastructure impacts in this geography to Black Portlanders. Between December 2016 and January 2017, ODOT conducted interviews with 17 people in the African American community, covering different ages and sectors who work in government, non-profit advocacy arenas and business people, to understand some of the historical and geographical history of the area. The interviews focused on the project area's history and how to meaningfully engage communities of color and low-income populations in the process. The Agency documented what was learned, which included negative repercussions related to developments (e.g., Rose Garden, Memorial Coliseum, and Emanuel Hospital, I-5, N. Williams Safety project and urban renewal) to people of color and low income populations in the I-5 Rose Quarter project area.

This step allowed for collecting early input to shape the project direction and identify risks and opportunities. One of the interviewees commented that *“With every development, regardless of private or public, promises were broken resulting in a systematic obliteration of the African American community in this area.”*

The outreach effort included establishing 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 community outreach strategies and provide feedback on project messaging and visuals to represent the project with 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.

Environmental Justice is addressed in an integral manner with 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 will be 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 potentially be 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, delays.

Best Practices for Identifying Environmental Justice Populations and Potential Impacts and Mitigation

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 use 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 to ensure adequate outreach to and engagement with these groups, 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
- Utilizing existing community events and 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 is provided in reasonable locations during construction

References

ODOT's NEPA Program adheres to the following references to comply with Executive Order 12898 regarding Environmental Justice for ODOT's Federal-aid projects:

- EO 12898 (Environmental Justice): <http://www.presidency.ucsb.edu/ws/index.php?pid=49631>
- EO 13166 (Limited English Proficiency): <http://www.lep.gov/13166/eo13166.html> and <http://www.presidency.ucsb.edu/ws/index.php?pid=61657>
- USDOT Order 5610.2(a): http://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/orders/order_56102a/
- FHWA Order 6640.23a: <http://www.fhwa.dot.gov/legsregs/directives/orders/664023a.cfm>
- FHWA 2011 EJ Guidance on Environmental Justice and NEPA: http://environment.fhwa.dot.gov/projdev/guidance_ej_nepa.asp



Oregon

Kate Brown, Governor

Public Utility Commission

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503-373-7394

August 30, 2018

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



Re: PUC Annual Report – Calendar Year 2017

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

The PUC regulates rates and services offered by private Oregon electric and natural gas utilities, telecommunication companies, and 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 authority is set forth in several provisions of the Oregon Revised Statutes (ORS).

- 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 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 Commission Office, as this individual works with all PUC staff. The PUC's citizen advocate, who is the primary contact for environmental justice concerns, is:

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 participated in the quarterly EJTF meetings and provided summaries of agency-related EJTF topics or actions. The citizen advocate meets with various PUC staff members to understand our efforts to ensure environmental justice in the work we do on a daily basis.

2017 Environmental Justice Efforts of the PUC

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. Given the magnitude of examining our regulatory system, the PUC understood the importance of managing this process very differently than previous investigations hosted by the Commission. The PUC, which is an agency that has a very well-established process and approach to investigations, wanted to consider how to approach SB 978 strategically and create a new, innovative path to cooperation with our stakeholders. The Commission understood that it would be important to ensure stakeholders could work collaboratively together to help recommend solutions that would lead to constructive discussions from stakeholders even on topics which had recently created strife in our stakeholder community.

The traditional PUC process can, at times, be adversarial, where parties can be in opposition with one another. Recent significant cases and decisions that have come before the Commission have left stakeholder groups at odds with one another over some of the key issues we would investigate as part of SB 978. Those issues included competition, distributed energy resources, customer choice, and resource procurement. Also, there were new participants and stakeholders who had indicated an interest in participating in the Commission's process. How to integrate their voices in the process and ensure their full participation was an important goal established early in our process. In order to develop a comprehensive approach for the different stakeholder needs, the Commission's first step was to develop an internal project management team tasked with developing a process to enable participation from a wide-variety of individuals and stakeholders and ensure participant collaboration was a key element leading to the outcomes developed at the end of the process.

The Commission's internal planning team interviewed more than 20 sets of stakeholders and individuals to gain a better understanding of what was desired from the SB 978 process. Feedback from stakeholders included:

- Ensuring new stakeholders and participants would be able to engage in the process by making it more approachable than the typical Commission docket process.
- Developing some capacity building aspects of the process to ensure a level starting point for discussion about changes.
- Ensuring the process timeline was clear to participants in the beginning, including number of meetings and timeline to completion.
- Utilization of third-party resources to assist the Commission in making the conversation more neutral and providing external expertise.

In response to the stakeholder interviews, the Commission developed an internal work plan which included strategies for integrating the feedback from participants and stakeholders. The first element was to consider external funding and the ability to utilize consultants to facilitate the meetings and provide the Commission with external expertise. Engaging the services of two consultants allowed us to help build capacity with new participants and provide an easier point of entry for those who do not traditionally engage in our process by creating a new structure which all participants would have to adapt to.

Leading recommendations from participants from the SB 978 process included a desire to further integrate equity and environmental justice as a part of the work the Commission does. One of the key areas for action determined during this process includes working with the Legislature and stakeholders to further consider the Commission's role in affordability for all customers. The final SB 978 Report will be submitted September 15, 2018 to the Legislature with report details and actions taken in our 2018 EJTF Annual Report.

UM 1787: Investigation into a Percentage of Income Program (PIPP)

In July 2016, the PUC opened an investigation into a Percentage of Income Payment Program (PIPP) and in 2017, the PUC held several workshops to further discuss this concept. A PIPP would provide a different utility rate for qualifying, low-income customers. This rate would be determined as the portion of their electric bill that is "affordable" given a number of possible factors including size of household and income. This investigation is shifting slightly to the Oregon Department of Housing and Community Services (OHCS) which has begun a review of bill assistance programs and may also include a study on further methods to provide bill assistance to low-income Oregonians.

Beyond the work of OHCS and the PUC, these themes are being explored as part a Low Income Utility Program Working Group convened by the Governor's Carbon Policy Office and anticipated to provide a report of its findings to the office in December 2018.

Administrative Rulemaking 601 – Severe Weather Moratorium on Service Disconnections

The PUC adopted docket AR 601 in 2017, which was in effect for this 2017/18 winter season. This docket established a way for utilities to offer a program where households with minor children, seniors 65 and older, or individuals with a weakened condition or illness can opt to not have their service disconnected during the coldest winter or hottest summer days, regardless of their ability to pay. No interest or late fees are applied to accumulated account balances of protection program customers. At this time, only Idaho Power has adopted such a program. Avista Utilities has agreed to implement such a program projected to be effective in 2019.

Administrative Rulemaking 602 – Service Disconnection Reports for Energy Utilities

This docket was opened in 2017 and was adopted by the Commission on February 27, 2018. This filing requires energy utility service providers to report service disconnections to the Commission on a quarterly basis. The report includes all disconnections for that quarter, as well as numbers broken down by low-income households and those households with medical certificates with their geographic areas included. These reports are intended, in part, to help determine if efforts to reduce disconnections to at-risk populations are effective or need changes. In the 2018 annual report to the EJTF, we will include statistical information on this program to demonstrate its effectiveness.

Farming Community Safety Campaign

During the summer months of 2017, the PUC partnered with Idaho Power, Pacific Power and Portland General Electric, the three major regulated electric utility service providers in Oregon, to remind the

agricultural community of important tips to ensure they stay SAFE when working near power lines. SAFE stands for:

- **S**can the area – always look around and look up to check for power lines and other potential hazards before starting work.
- **A**void extending farm equipment, including irrigation pipe, within 10 feet of overhead power lines. Keep in mind that overhead lines can be as low as 18 feet off the ground, so always carry irrigation pipes, which are 30-40 feet long, horizontally. If required to tip up to discharge water or dirt, scan for hazards overhead.
- **F**requently re-evaluate the area for changing safety hazards.
- **E**ducate fellow employees to ensure safety throughout the agricultural community.

This campaign was inspired by a series of injuries and fatalities of farm workers lifting irrigation pipes that came in contact with overhead power lines.

Community Solar – Groundbreaking Oregon Efforts

The community solar rulemaking process started as a result of SB 1547 (2016), the energy bill that increased the Oregon Renewable Portfolio Standard to 50 percent by 2040. Community Solar is one of the unique sections of the bill, which also included developing rules for utility Transportation Electrification programs.

Specifically, community solar creates opportunities for customers to participate directly in new solar projects in their community, allowing 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, such as upfront payment and month-to-month subscription. 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 required up to five percent.

To minimize administrative costs and ensure we are meeting the 10 percent low income requirement, the PUC is engaged in a competitive process to select a third-party administrator (Program Administrator or PA) to manage the start-up and ongoing administration of the program. The PA will oversee the Low-Income Facilitator (LIF), a subcontractor to the PA that will be responsible for facilitating opportunities and access for low-income participants. The PA and LIF represent a new model expected to keep the needs of all customers at the forefront while making the program more affordable and accessible.

In 2017, PUC staff worked with stakeholders to develop administrative rules that establish the structure and format of the program. The rules were adopted June 29, 2017. Following the adoption of the program rules, stakeholders formed topical, stakeholder-led subgroups to scope implementation issues and identify

major implementation milestones. The Low-Income Subgroup was established in October 2017 to identify important considerations related to participant outreach, low-income eligibility requirements, equity principles, and protections specific to the unique needs of low-income participants. The subgroup submitted a written status report to the PUC Staff December 29, 2017¹ and has continued its efforts to ensure that the program adequately considers and facilitates equity in participation throughout 2018.

Public Purpose Charge

In July 1999, Senate Bill (SB) 1149 was enacted to introduce competition into Oregon's electricity markets within the Portland General Electric (PGE) and PacifiCorp service territories. As part of SB 1149, these utilities were required to collect a three percent charge on their retail electricity sales beginning in March 2002. This public purpose charge is used to fund cost-effective energy conservation and the above-market costs of renewable energy resources and to help provide weatherization and other energy assistance to low-income households and public schools. In addition to the public purpose charge, natural gas utilities serving Oregon also collect money from customers to fund low-income and moderate income programs. The Public Purpose Charge and Natural gas charges contribute to various programs to benefit low-income residents of Oregon.

- Weatherization Assistance Program – administered by OHCS, this program offers free weatherization and energy conservation services to reduce utility bills. Participants receive an energy audit and may qualify for insulation, furnace repair, heating duct improvements and minor energy-related home repairs.

Other Energy Assistance and Weatherization Programs

Beyond the public purpose charge, several other programs exist to assist low-income Oregonians in meeting their energy needs.

- SB 1149 also created the Oregon Energy Assistance Program (OEAP) which is administered by the Oregon Housing and Community Services, but is collected through a per meter charge for residential customers and a per kilowatt hour charge for commercial and industrial customers² on the rates of PacifiCorp and Portland General Electric. The OEAP – helps low-income customers whose electric service has been disconnected or is in danger of being disconnected due to home heating costs. Available to electric heat customers of PGE and Pacific Power.
- HEAT Oregon - A statewide fund designed to prevent disconnection of utility service during inclement weather by providing bill payment assistance to low-income households in emergency situations. HEAT Oregon works with social service and other agencies across the state to screen requests for assistance from customers of Avista, Cascade Natural Gas, NW Natural, Pacific Power, PGE and West Oregon Electric Cooperative (not regulated by the PUC).
- Natural Gas Low-Income Programs: Avista's Low-Income Rate Assistance Program (LIRAP); NW Natural's Oregon Low Income Gas Assistance Program (OLGA) and Oregon Low Income Energy Efficiency (OLIEE), and Cascade Natural Gas' Winter Help.

¹ The full Subgroup report is available in Oregon Public Utility Commission Order 18-042, Appendix A, pp. 50 – 60.

² The Commercial and Industrial customer charge has a maximum of \$500 per meter.

2018 Activities

In 2018, the PUC's activities related to environmental justice include:

- Working with numerous stakeholders on the deep dive into SB 978 noted previously in this report.
- Bringing the Community Solar Program Low-Income Facilitator onboard and beginning to develop an outreach and implementation plan to ensure opportunities and access to community solar.
- Working on the Clean Fuels Program (CFP) – established to adopt rules to reduce the average carbon intensity of transportation fuels used in Oregon by 10 percent over a 10-year period. One goal of this program is to provide benefits to traditionally underserved communities, including the use of a portion of CFP revenues to benefit traditionally underserved by access to electric vehicles and electric vehicle charging infrastructure, as well as utilities and stakeholders engaging these communities during program development.
- Working with OHCS and Low Income Utility Program Working Group on bill assistance and weatherization programs for low-income households.

The PUC is committed to supporting the EJTF by expanding our environmental justice (EJ) efforts, better understanding EJ needs, and improving outreach to ensure EJ communities are well informed. If you have any questions about information included in this report, feel free to contact me or work with our EJTF representative, Kandi Young at Kandi.young@state.or.us or 503-373-1571.

Sincerely,

A handwritten signature in blue ink that reads "Megan Decker". The signature is fluid and cursive, with a horizontal line extending to the right.

Megan Decker, Chair
Oregon Public Utility Commission