



Oregon

Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

March 6, 2015

Ben Duncan, Chair
Environmental Justice Task Force
Multnomah County Office of Diversity and Equity
501 SE Hawthorne, Suite 600
Portland, OR 97214

Gabriela Goldfarb
Natural Resources Policy Advisor
Governor's Office
255 Capitol St. NE, Suite 126
Salem, Oregon 97301

Dear Ben and Gabriela,

On behalf of the Oregon Water Resources Department (Department), I want to extend our gratitude to 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 managing and protecting the state's water resources.

Since 2008, Ruben Ochoa has served as the Department's Citizen Advocate on environmental justice issues and represented our agency during meetings and discussions with members of the Environmental Justice Task Force. Due to health reasons, Ruben was unable to participate in task force meetings beginning in late 2013. After a long and courageous battle, Ruben passed away in October 2014. Over the years, Ruben has helped the Department incorporate the principles of environmental justice into agency programs and initiatives, including the state's 2012 Integrated Water Resources Strategy. Our Department will continue participating as a state agency representative to the Environmental Justice Task Force, continuing Ruben's long commitment in this role. The Citizen Advocate position will be filled in the coming months.

In fulfillment of our annual reporting responsibilities under ORS 182.550, the Department respectfully submits the following Environmental Justice Task Force report for 2014.

Sincerely,

Thomas M. Byler
Director

c: Nancy Salber, Governor's Office

ENVIRONMENTAL JUSTICE TASK FORCE REPORT

Oregon Water Resources Department – 2014

BACKGROUND

Each agency described in ORS 182.535, including the Oregon Water Resources Department (Department), must submit an annual report to the Environmental Task Force and the Governor's Office summarizing agency actions toward achieving environmental justice. Annual reporting helps monitor agency progress toward addressing environmental justice and provides learning opportunities to reconsider 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 2014. Past reports can be found on the Department's Environmental Justice website: http://www.oregon.gov/owrd/pages/environmental_justice.aspx.

ADDRESSING ENVIRONMENTAL JUSTICE ISSUES

Ongoing Professional Development of Agency Staff – The Environmental Justice Task Force has asked state agency representatives to ensure that cultural competency and environmental justice considerations are included within management position descriptions. Sample language was provided to agencies, with the understanding that it could be tailored to accommodate the unique needs of agency staff and programs.

During Fall 2014, the Department reviewed management-level positions, including the Citizen Advocate position, to determine whether the sample language had been incorporated, as recommended by the Environmental Justice Task Force (EJTF). At present, management-level positions do not yet include the cultural competency language suggested by the EJTF; however, managers do undergo an annual review where leadership qualities are evaluated, many of which mirror the principles laid out in the cultural competency sample language. These include:

- Promoting and fostering a diverse workforce and discrimination/harassment free workplace.
- Recognizing value of individual and cultural differences; creating a work environment where individual differences are valued.
- Consistently treating customers, stakeholders/partners, co-workers with dignity and respect.
- Valuing diverse viewpoints.
- Actively soliciting and engaging diverse groups in program planning and implementation.

- Communicating with employees through section staff meetings the importance of maintaining a diverse and respectful workplace; and continuing to make the Department a welcoming environment for all staff.

Today, cultural-related training is not provided consistently to all management-level staff. Department staff are evaluating online training programs offered through the Oregon Department of Administrative Services' iLearnOregon training platform. Currently, the Oregon Department of Environmental Quality offers two online training programs that focus on tribal relations and environmental justice. The Department is exploring options for sharing these existing online courses with management staff.

With appropriate training, the Department is receptive to incorporating the cultural competency language recommended by the Environmental Justice Task Force into management-level positions. Recently, the Department revised the water policy analyst position within the Director's Office to specifically state that he or she serves as the Department's Citizen Advocate on environmental justice. The Department will further explore revisions the Citizen Advocate position to more fully incorporate the cultural competency language.

In 2014, the Department was able to take advantage of a few training opportunities where environmental justice was a featured item. In July 2014, staff from the Director's Office attended a conference focused on integrated water resources management, hosted by the American Water Resources Association in Reno, Nevada. The conference featured a special session on environmental justice. Several guest speakers discussed recent efforts to improve outreach and involve environmental justice or "disadvantaged communities" as part of the California's integrated regional water management program. Department staff gathered lessons learned from this session and established connections with organizations working on environmental justice issues in California.

In December 2014, Director's Office staff also attended Within Our Reach, a biennial conference hosted by Meyer Memorial Trust focused on improving the health of the Willamette River. For the first time, the conference featured a session on the role of underrepresented communities in achieving a healthier Willamette River. Members of the Portland Harbor Community Coalition shared perspectives on ways to empower new leaders and support the voices of all who have a stake in a healthier river. Department staff attended this breakout session and found it very informative and applicable to many state agency programs and initiatives.

INCREASING PUBLIC PARTICIPATION; EFFECT OF AGENCY'S DECISIONS

Recent Rulemaking – In 2014, the Department initiated several rule-making activities, one of which involved new rules to implement the Upper Klamath Basin Comprehensive Agreement. To help the public and community members understand the agency's proposed rules, the Department made a concerted public outreach effort during various stages of rule development. Five open houses were held in 2014 and 2015 to provide the public an opportunity to meet with Department staff, including the watermaster and groundwater staff, to answer questions about the draft administrative rules, groundwater science, and water regulation. The Department conducted radio spots on stations local to the area, granted interviews with the Klamath Herald and News newspaper, and published press releases announcing rule development and public comment opportunities. The Department posted meeting announcements and the draft rules on its website and sent notices to interested parties and local officials through an electronic mailing list. The Department also extended the public comment

period to 60 days to allow additional time for community members and others to comment. The Department also held three public hearings in Klamath Falls—two in January and one in February of 2015.

Development of Place-Based Planning Guidelines – In 2014, the Department initiated development of a set of planning guidelines that can be used by Oregon communities wishing to undertake a collaborative, water resources planning process geared toward better understanding and meeting instream and out-of-stream needs, including water quantity, water quality, and ecosystem needs. The state developed these guidelines, currently available online, as a way to give those who live, work, and play in a community and who care deeply about it a stronger voice in their water future. The draft planning guidelines require planning groups to invite and involve diverse interests in the planning process, and ensure that all persons potentially affected by a place-based plan have a voice in the decision-making process, including environmental justice communities.

Environmental Justice Task Force Member Will Collin continues to offer guidance on how to incorporate the principles of environmental justice into statewide and place-based planning efforts. The Department is grateful for the additional time and expertise offered by both Mr. Collin and Task Force Member Robin Morris Collin over the last several months.

Providing Funds for Water Resources Projects – The Department is currently developing rules to launch a new loan and grant program administered by the state to develop instream and out-of-stream water projects. This newly available funding resulted from the passage of SB 839 during the 2013 Legislative Session. The state will evaluate funding proposals, in part, based upon the economic, environmental, and social or cultural benefits provided by a project. This evaluation process considers several criteria, including whether a project provides a measurable improvement in conditions for members of minority or low-income communities, economically distressed rural communities, tribal communities, or other communities not traditionally represented in public processes.

IMPROVING PLANS TO FURTHER ENVIRONMENTAL JUSTICE IN OREGON

The Department's primary means of addressing environmental justice is through our existing relationships and continued engagement with tribal communities, more specifically, Oregon's nine federally recognized tribes. In any given year, agency field and management personnel will interact with various tribal leaders and staff regarding water management, streamflow conditions, and other regulatory processes. Many of our tribal interactions in 2014 involved implementation of signed water agreements in the Klamath River Basin, where agency staff worked directly with the Klamath Tribes, water users, and others in the basin. The Department continues to be involved in ongoing water right settlement negotiations with the Confederated Tribes of the Umatilla Indian Reservation, offering technical review and support of various water resources modeling tools.

Protecting Cultural Resources during Field Work & Data Collection – In 2013, the Oregon Legislature increased funding in the Department's base budget to establish, maintain, and upgrade streamflow gaging stations and monitoring wells throughout the state. The Department is currently modernizing several protocols and procedures necessary to install new data collection sites, one of which includes protection of cultural or significant resources during site installation, data collection, and other field-related activities. In 2014, the Department conducted cultural resource (archaeological) assessments, in conjunction with the state archeologist, tribal partners, university

consultants, and other public and private partners. Many of the Department's newly established gages will be used to monitor and assess streamflow conditions in relation to tribal determined claims in the Klamath River Basin.

Cultural Resources Training Planned for 2015 – In April 2015, several of the Department's technical and field staff, including section managers, will be participating in a four-day training conference hosted by the Oregon Parks and Recreation Department. This conference is primarily focused on providing a greater awareness of state and federal cultural resources regulations, including the protection of archeological sites. Cultural resources staff from Oregon's nine federally recognized tribes will also be in attendance, offering several presentations and training opportunities throughout the conference.

Continued Involvement with the Environmental Justice Task Force – Since 2008, 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 2014, and will continue to participate in meetings and other events hosted in 2015, including the GIS data symposium scheduled for this spring. As recommended by the Environmental Justice Task Force, the Department will utilize the recently developed *Environmental Justice Best Practices Handbook* and will report back on our progress to the Environmental Justice Task Force in January 2016.