

ENVIRONMENTAL JUSTICE COUNCIL

June 13, 2024
10:00 a.m. – 3:00 p.m.

Public Meeting Agenda

This public meeting will be conducted in person at 700 NE Multnomah St, Portland (Room 601). Attendees may also join virtually on Zoom Webinar by registering using the link below. Written testimony can be submitted in advance, to van.nguyen@deg.oregon.gov. Written comments received will be distributed to the Council.

Register in Advance to Participate Virtually

https://deg-oregon-gov.zoom.us/webinar/register/WN_906wFgRuSmKHJQqH9MWKGg

The Council makes every attempt to hold strictly to the sequence of the distributed agenda. Times and topics may change up to the last minute. This agenda is available on the Environmental Justice Council website: [Governor of Oregon : Environmental Justice Council : Policies : State of Oregon](#).

10:00 a.m.	Item 1:	Call to Order – Chair Quinn Read
10:10 a.m.	Item 2:	EJC Leadership Updates – Chair Quinn Read Briefing
11:00 a.m.	Item 3:	EJ Mapping Decision Point 3 – Staff Council Discussion
12:15 a.m.	Item 4:	Break before Working Lunch
12:30 p.m.	Item 5:	Agency Annual Reports Briefing
1:30 p.m.	Item 6:	HB 3293 Water Project Community Engagement Consultation – Staff Briefing
2:30 p.m.	Item 7:	Public Comment
2:45 p.m.	Item 8:	Public Comment: EJC Discussion
3:00 p.m.	Item 9:	Council Adjourn

PLEASE NOTE

AGENDA

The public portion of the Council meeting will begin at 10:00 a.m. and proceed chronologically through the agenda. Times listed on the agenda are approximate. At the discretion of the chair, the time and order of agenda items—including addition of intermittent breaks—may change to maintain meeting flow. This meeting will be recorded by audio, and the recording will be posted on the Environmental Justice Council website shortly after the meeting.

PUBLIC TESTIMONY

Written comments will be accepted until 5:00 p.m. the evening prior to the meeting by emailing van.nguyen@deg.oregon.gov and indicate your comments as EJC Testimony with the meeting date on the subject line. Other testimony will be received during the public comment portion of the meeting.

REASONABLE ACCOMMODATION OF DISABILITIES

Please contact us at least three business days prior to the meeting to let us know if you need reasonable accommodation. Contact the Environmental Justice Coordinator Hoang-Van Nguyen at van.nguyen@deg.oregon.gov to make your request.

Staff Memorandum

To: Chair and Members of the Oregon Environmental Justice Council
From: Hoang-Van Nguyen, Environmental Justice Council & Policy Coordinator and Eric Main, Oregon Health Authority
Date: June 5, 2024

Regarding: Agenda Item 3 – EJC Mapping Decision Point 3

Council action is requested on this agenda item.

Attachments: EJC Decision Point 3 Welcome Package updated & EJC Decision Point 3 Report.

Action Requested: Discuss and determine Decision Points 3a and 3b recommendations for state agency adoption.

1. Community designation definitions (3a).
2. How to determine Micropolitan Core Area designation (urban, rural, or separate) (3a).
3. How communities will be compared (3b).

Decision point #3a: Community designations

Why are community designations important?

- Rural, coastal, and remote communities are specifically mentioned in the definition of “environmental justice community” in HB4077,
- Oregon does not have standard definitions for rural, remote, and urban communities.
- Including community designations in the EJ Mapping Tool will support consistency in how agencies use the tool.

Recommendation 3a:

The Methodology Workgroup recommends Oregon communities be grouped using the following designations:

Coastal

Oregon Department of Land Conservation and Development Oregon coastal zone includes the state's coastal watersheds and extends seaward three nautical miles and inland to the crest of the coast range. Census tracts with population centers inside the coastal zone boundary will be designated as coastal.

Remote

USDA Frontier and Remote (FAR) areas are zip codes assigned levels that are determined by their population and distance from urban places. FAR Level III areas are:
places

- up to 10,000 people,
- 30 minutes or more from an urban area of 10,000-24,999 people,
- 45 minutes or more from an urban area of 25,000-49,999 people,
- and 60 minutes or more from an urban area of 50,000 people or more.

Tracts with population centers that intersect with Level III FAR zip codes will be designated as remote.

Large City

USDA rural-urban commuting area (RUCA) codes classify U.S. census tracts using measures of population density, urbanization, and daily commuting. Metropolitan Core Areas are urbanized areas (UAs) continuously built-up with a population of 50,000 or more and have a primary travel flow within the within the UA. Metropolitan Core Area tracts will be designated as large city.

Rural

All tracts not designated as coastal, remote, large city, and small city (optional) will be designated as rural.

Small City (Large City, Rural, or Separate?)

The Methodology Workgroup does not have enough information to recommend whether Micropolitan Core Areas should be designated as large city or rural. Therefore, they recommend the EJ Council make the determination or wait for feedback from the community listening sessions.

Micropolitan Core Areas tend to have similar infrastructure as Metropolitan Core Areas including access to hospital trauma centers, government services, shopping centers, highspeed internet, and higher education opportunities. However, Micropolitan Core economies tend to align more closely with rural communities. Micropolitan Core Areas are Rural-Urban Commute Areas with primary travel flows inside an urban cluster of 10,000 – 49,999 people.

The working name for micropolitan core areas, if selected as their own designation, is “Small City.”

Decision point #3b: Community comparisons

Why are community comparisons important?

- Most state environmental justice mapping tools compare communities statewide because their intent is to identify communities with the highest levels of cumulative impacts relative to all other communities.
- A major concern expressed by communities in states where policies and state investments are influenced by an index score is environmental burdens, climate change risks, and economic disparities can be very different depending on where you live in the state.
- HB4077 provides examples of environmental burdens and climate change risks specific to community designations (e.g., sea level rise, ocean acidification, water insecurity, etc.).

Recommendation 3b:

EJC Council decision needed to determine:

How communities will be compared.

The Methodology Workgroup recommends the EJ Mapping Tool include the following two options:

1. The ability to compare communities by designation (community indices).
 - a. Large City vs Large City
 - b. Small City vs Small City
 - c. Rural vs Rural
 - d. Coastal vs Coastal
 - e. Remote vs Remote
 2. Optional ability to compare communities across the state with a standard statewide index score using the same indicators if needed by state agencies.
- Statewide community comparisons are unable to account for regional environmental and social differences which can result in diverting state funds away from EJ communities potentially contributing to environmental injustices,
 - Community designations were selected instead of regions because none of the state regions we evaluated group environmentally similar communities as well as the designations recommended in decision point 3a.
 - The Methodology Workgroup anticipates there may be the need for some state agencies to compare Oregon communities using a statewide index score in their rule making and infrastructure investment processes.

Council Memorandum

To: Chair and Members of the Oregon Environmental Justice Council

From: Quinn Read, Oregon Environmental Justice Council Chair

Date: June 5, 2024

Regarding: Agenda Item 5 – Agency Annual Reports

Council action is requested on this agenda item.

Chair Quinn Read will lead a discussion to determine desired objectives and outcomes for reviewing Agency Annual Reports submitted for Calendar Year 2023.

The impacted agencies include:

- Department of Environmental Quality (DEQ)*
- State Department of Agriculture (ODA)*
- Water Resources Department (OWRD)*
- State Department of Fish and Wildlife (ODFW)
- State Department of Forestry (ODF)
- Department of State Lands (DSL)*
- State Department of Geology and Mineral Industries (DOGAMI)
- Department of Land Conservation and Development (DLCD)*
- State Marine Board (OSMB)
- Public Utilities Commission (OPUC)*
- Department of Transportation (ODOT)*
- Department of the State Fire Marshal (OSFM)
- Oregon Health Authority (OHA)*
- Department of Energy (ODOE)*

Environmental Justice Council members will be requested to determine their preferences which one or two agencies they would like to be assigned to review. This feedback will be used to draft the biannual report to the Governor's Office by September 1, 2024.

Environmental Justice Council Actions Required:

1. Identify agency preferences.
2. Review assigned agency reports in depth and report out findings and questions in writing.
3. Identify if follow-up is required with the whole EJC and state agencies.
Examples may include:
 - a. Examples of effective community engagement and meaningful involvement.
 - b. Examples of environmental justice staffing or lack thereof.
 - c. Examples of training or lack thereof.
 - d. Examples of funding gaps.

4. Determine key points from agencies that need to be elevated to the Governor's Office.

Examples may include:

- a. Funding needs.
- b. Policy Gaps.
- c. Important initiatives or upcoming decisions.
- d. Interagency collaboration gaps.

Written reports are due to Chair Read and Environmental Justice Council & Policy Coordinator by July 1, 2024.

Staff Memorandum

To: Chair and Members of the Oregon Environmental Justice Council
From: Charlotte Regula-Whitefield, Oregon Water Resources Department
Date: June 6, 2024

Regarding: Agenda Item 6 – HB 3293 Water Project Community Engagement Consultation

Council briefing is requested on this agenda item.

Attachments: HB3293 Project Overview, 02.23.24_HB3293 Best Practices_single document final draft version for public, 05.21.24_HB3293 Engagement Overview_D6, HB3293 EJC Council Presentation _premeeting slides only, HB3293.

The six named agencies in ORS 541.551, which include Water Resources Department (OWRD), Department of Environmental Quality (DEQ), Business Oregon, Oregon Watershed Enhancement Board (OWEB), Oregon Department of Fish and Wildlife (ODFW), and Oregon Health Authority (OHA), are searching out opportunities to actively involve Oregon communities in the development and refinement of the Best Practices in Community Engagement for Water Projects.

- Agencies will share with Council members an overview of ongoing community collaborations in the creation of the draft set of Best Practices,
- Agencies will engage with the Council members in a group discussion around how to best continue to refine and share these practices with those who are working on water project and those who may be impacted by water projects.
- Agencies will be seeking feedback from the Council on if the current draft of the Best Practices in Community Engagement for water projects is ready for sharing widely within Oregon through a public comment period.
- Agencies will incorporate Council recommendations and feedback to the maximum extent possible into the HB 3293 engagement process and Best Practices document to ensure this work is as meaningful as possible for all of Oregon's communities.

ORS 541.551 (Oregon House Bill 3293, 2021 Oregon Laws) requires that the six named agencies as providers of water project support develop and adopt into rule best practices for community engagement with disproportionately impacted communities. HB 3293 does not direct providers of water project support to require local organizations and governments to develop community engagement plans for every supported water project. However, HB 3293 does allow providers of water project support to provide additional water project support to local organizations and governments facilitate the development and implementation of community engagement plans.

OWRD was directed to lead HB 3293 to ensure that the coordination among providers of water project support occurs at least once every five years.

Informational sessions were held for the Council on May 28th and 29th, 2024.

OWRD, OWEB, and DEQ held two 1-hour optional informational sessions for Council members to have the opportunity to be introduced HB3293 process and documents, and then create additional space for clarifying discussions prior to the full Council meeting.

Several key themes that emerged through these discussions as listed below.

- HB 3293 definition of “disadvantaged communities”, including the inclusivity of the terms used within the definition and its connection to other State used definitions such as HB 4077 (EJC founding legislation).
- The intention of Best Practice #4: “Invite federally recognized tribes in Oregon to participate in the water project, acknowledging their preferences and capacity for collaboration.”, and its exclusion of inclusivity of non-federally recognized native communities and tribes.

Agencies are requesting that the Council continues to explore these topics as part of the briefing discussion.