

# 2023 Annual Report to the Environmental Justice Council

## INTRODUCTION

This report from the Oregon Department of State Lands highlights our activities in the calendar year of 2023 regarding the Oregon Environmental Justice Council priorities to:

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

## OVERVIEW OF THE DEPARTMENT OF STATE LANDS

### Our Mission

*Ensuring Oregon's school land legacy and protecting wetlands and waterways of the State through superior stewardship and service.*

The State Land Board oversees the Common School Fund, which sends tens of millions every year to Oregon's K-12 public schools. As the Land Board's administrative agency, the Department manages school lands to generate revenue for the Fund, protects waters and wetlands, and oversees South Slough National Estuarine Research Reserve.

The Department's core programs:

- **Manage land to benefit education.** The Real Property Program manages school lands and other statutory lands overseen by the Department.
- **Protect waters and wetlands.** The Aquatic Resource Management Program oversees the state's removal-fill law, the federal North American Wetlands Conservation Act, and public use of Oregon-owned waterways.
- **Increase understanding of estuaries and coastal watersheds.** The 5,900-acre South Slough Reserve, managed in partnership by the Department and the National Oceanic and Atmosphere Administration, provides research and education to support stewardship of natural resources in Oregon and beyond.
- **Ensure exceptional public service.** The Director's Office and Administration teams ensure the Department meets the expectations of the Land Board, the Legislature, and all Oregonians.



*Sites like the Metolius River in the Deschutes National Forest are designated Essential Salmonid Habitat by the Department using scientific data from the Oregon Department of Fish and Wildlife. The ESH map is updated annually, in consultation with Tribes.*

## **Department of State Lands: Leadership**

Key leadership and governing board at the Department:

Vicki Walker, Director  
(503) 798-2019  
[vicki.walker@dsl.oregon.gov](mailto:vicki.walker@dsl.oregon.gov)

### State Land Board

- Governor Tina Kotek
- Secretary of State LaVonne Griffin-Valade
- State Treasurer Tobias Read

## **Department of State Lands: Environmental Justice Staff**

The Department's Public Community Engagement Officer serves as the Department's Environmental Justice Liaison: The liaison supports opportunities for environmental justice staff trainings, participates in the EJC meetings, and discusses opportunities for addressing environmental justice issues in DSL programs with management and staff. Environmental justice coordination primarily resides with the Director's Office, with significant environmental justice related activities at the South Slough Natural Estuarine Research Reserve.

Cait McCusker, Community Engagement Officer  
971-718-4953  
[cait.mccusker@dsl.oregon.gov](mailto:cait.mccusker@dsl.oregon.gov)

## **Agency Budget and Revenue Sources**

The Department's budget for the current biennium (July 1, 2023 – June 30, 2025) was \$82 million dollars. Primary revenue source is "Other Funds" which are the Common School Fund.

## ENVIRONMENTAL JUSTICE HIGHLIGHTS

Highlighted below are key efforts in 2023 regarding:

- Efforts to address environmental justice issues.
- Meaningful engagement activities with individuals and communities affected agency decisions.
- Efforts to improve plans, processes, and staffing to advance environmental justice in Oregon.
- Effects of agency decisions on traditionally underrepresented communities.

### Agencywide

#### Developing a Diversity, Equity, and Inclusion (DEI) Action Plan (2025-27)

In 2023 the Department began development of a two-year DEI Action Plan (2025-27) which will serve as a companion plan to the Department's five-year strategic plan. This action plan will detail near-term milestones to advance DEI in our workforce, communications, community engagement, and operations. Led by the Department's HR Manager / Affirmative Action Lead and Community Engagement Officer / EJ Liaison, the project team has been meeting monthly with an advisory group of staff who have demonstrated a commitment to DEI efforts, have diverse backgrounds and experiences, and/or their expertise aligns with the focus areas of the DEI Action Plan. The plan is expected to be completed by end of 2024.

#### Developing community engagement policy and procedures

The Department's five-year strategic plan (FY 2022 – 2027) contains multiple initiatives related to environmental justice, equity, and inclusion, notably:

*Examine our approach to public participation and engage with stakeholders and experts to develop best practices for public participation.*

To that end, in October 2022 the Department created and hired a new position to support this work: a Community Engagement Officer. Throughout 2023 this staff member has been examining, documenting, and centralizing standardized processes across the agency's programs. This work is ongoing and ultimately will result in an agencywide community engagement policy, set of procedures, resources and templates, and staff training.

#### Establishing the Tribal Relations Collaborative

The Department's five-year strategic plan initiatives also include:

*Examine current practices for engaging Tribal governments to identify improvement opportunities.*

The Department is committed to meaningful communication and collaboration with the nine federally recognized Tribal Governments in Oregon. In addition to the Director's open-door policy, DSL has a dedicated Tribal Liaison and an agencywide Government-to-Government policy. See the report section on ["Consultation and Coordination with Tribal Governments"](#) for more information.

In 2023 the Community Engagement Officer began an initiative to connect more deeply across programs, share resources, and advance best practices in Tribal relations. In consultation with

the Department's Director, the Tribal Relations Collaborative nine members include: Government Affairs Manager / Tribal Liaison; Community Engagement Officer / EJ Liaison; Rules and Policy Coordinator; Communications Officer; Archaeologist; Manager (South Slough Reserve); Policy Specialist (Real Property); Northern Operations Manager (Aquatic Resource Management); Southern Operations Manager (Aquatic Resource Management).

The responsibilities of the Collaborative are:

- Continue to fulfill all expectations outlined in the Department's State/Tribal Government-to-Government Relations policy regarding consultation, annual reporting and storytelling, and coordination of updates at cluster meetings.
- Understand Tribal interactions happening agencywide, support new and existing relationship building, and provide sounding board for projects with a high interest from Tribal governments.
- Improve processes and centralized resources to support consultation and coordination.
- Expand and coordinate training opportunities for Department staff who communicate or work with Tribal governments.

#### Participating in the development of Oregon's environmental justice mapping tool

The Department's EJ Liaison participated in all monthly meetings of the Environmental Justice Liaisons, as well as attending EJ Council meetings to stay informed on the progress of the State of Oregon's environmental justice mapping tool project. The Department participated in the first step of the data inventory process led by DAS and submitted our data inventory for consideration in September 2023.

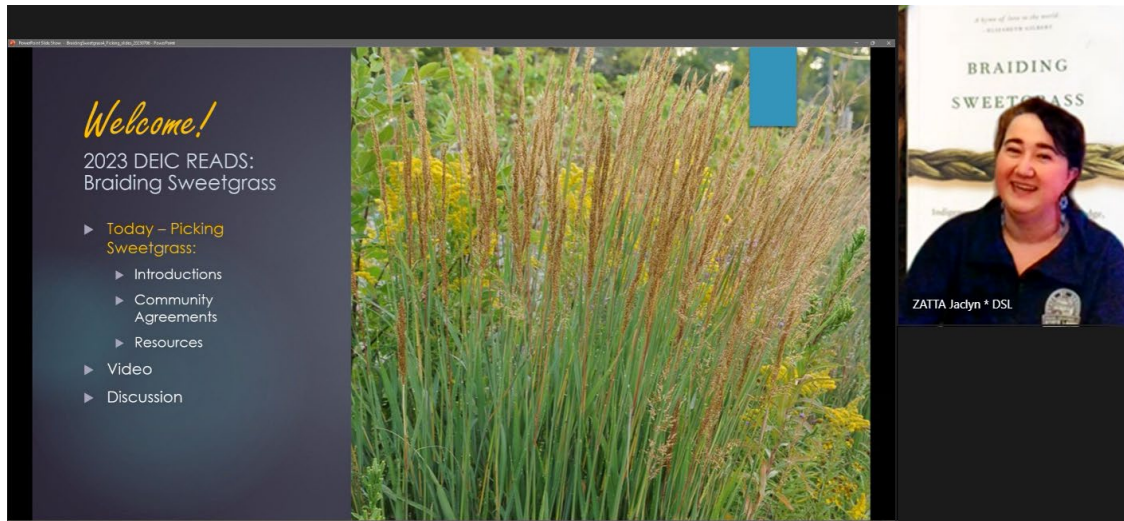
#### Offering staff training and education in DEI and working with environmental justice communities

The Department's Diversity, Equity, and Inclusion (DEI) Committee fosters an inclusive environment for all staff, promotes an agencywide climate of equity and anti-racism, and seeks to operationalize DEI in serving the Department's mission. In 2023 the Committee hosted two educational sessions for staff on concepts and applications of traditional ecological knowledge, as well as a year-long reading and discussion series of the book "Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teachings of Plants."

Four DEI Committee members participated throughout 2023 in Uplift Oregon's Equity & Inclusion (OPEN) Pilot Project. The project aims to enhance DEI planning and implementation through represented and executive service staff at participating agencies, guided by the State of Oregon Diversity, Equity, and Inclusion Action Plan.

#### Increasing access to information and engagement opportunities

In 2023 the Department completed development of a redesigned website. Prioritizing accessible, plain language makes information, services, and engagement opportunities easier to find. The website will be launched in early 2024. We are continuing to work to enhance access to other digital resources online. The development of a modern permitting and information system is underway and will offer a powerful database and an easy-to-use online service center by 2025.



*Jaclyn Zatta, Chair of the Department’s DEI Committee, welcomes staff at a discussion series on “Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teachings of Plants”.*

## **Operations Division: Real Property Unit**

### *Revising the ten-year Asset Management Plan for managing Oregon’s school lands*

This ten-year plan is a key policy document for the day-to-day management and evaluation of lands managed by the Department. Development of a new plan places an emphasis on innovative practices in land management that offer additional benefits to Oregonians while also continuing to generate revenue for schools. Many of these lands dedicated to the Common School Fund are in rural or remote communities. In 2023 the Department reached out to over 90 stakeholders and held fifteen stakeholder interviews with land management partners at the state and county-level, community-based organizations in rural economic development and environmental conservation, organizations in renewable energy development, and more. In those listening sessions we discussed new ideas like projects contributing to climate resiliency (such as wildfire mitigation and drought tolerance), increasing renewable energies, and proposed rulemakings for efficiencies. The draft plan is expected to be ready for broader community input in Spring 2024.

### *Rulemaking at Crump Lake in Lake County*

Frequent droughts have dried up the lakebed of Crump Lake during the summer and increasingly extending into dry years. Since 2014 the Department has received reports from State Police, community members, and local Tribes regarding property damage as well as vandalism of and looting of significant cultural artifacts, enabled by the low water conditions which expose the lakebed. Department Directors have implemented multiple emergency restrictions on the lake for all public uses during low water conditions. In 2023 the Department underwent rulemaking to create a permanent, long-term solution with a rulemaking advisory committee. A representative of the Klamath Tribes participated as a member of the committee. Committee meetings were hybrid, hosted in Lakeview and open to the public to attend. The public hearing was also hosted locally and promoted in the local newspaper. The new rule



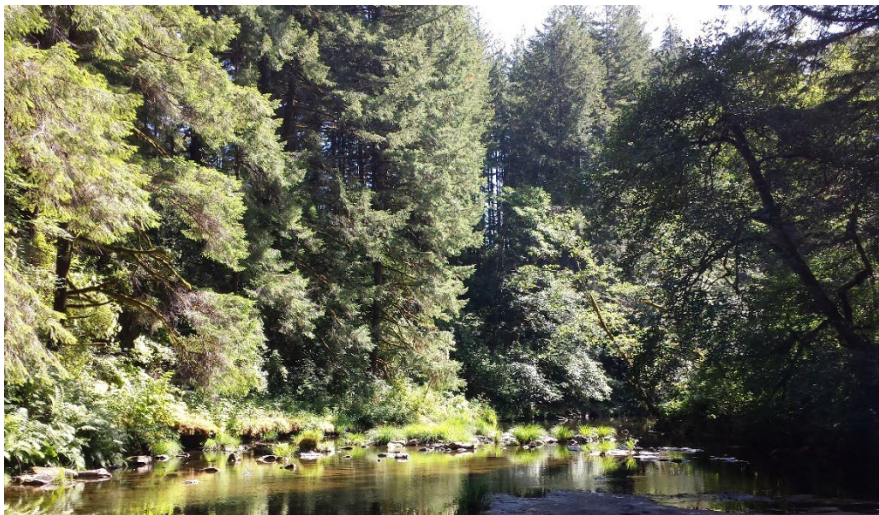
determines periodic closures when the lakebed is exposed, triggered when the water is no longer touching the foundational rocks located along the parallel line of Tern Island. The rule became effective on November 1, 2023.

### Exploring an Elliott State Research Forest

Since 2019, the Oregon Department of State Lands has been working in collaboration with many, including Tribes, to transform the Elliott State Forest into the Elliott State Research Forest. The Land Board's vision for the Elliott is a public forest that has completed its obligation to funding schools, but will continue to contribute to conservation, recreation, education, Indigenous culture, local economies, and more as a publicly owned research forest.

Tribal engagement has been a focus throughout these efforts. Natural resources staff from the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians; the Confederated Tribes of the Grand Ronde Community; and the Confederated Tribes of Siletz Indians were part of the initial Advisory Committee that helped shape the foundations of the research forest. In December 2022, the State Land Board appointed a prospective board of directors that met throughout 2023 to provide input on ongoing research forest work; the prospective board included natural resources staff from the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, and the Confederated Tribes of Siletz Indians were represented.

In 2023, DSL particularly worked to understand and address concerns of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians. Conversations in 2023 with the CTCLUSI Tribal Council, as well as natural resources staff, resulted in revisions to the habitat conservation plan for the forest as well as the overall management approach. In December 2023, the State Land Board reaffirmed its commitment to establishing an Elliott State Research Forest in 2024, and the ongoing importance of engaging Tribal governments as the research forest becomes a reality.



*As a publicly owned forest, the Elliott has completed its obligation to funding schools, but will continue to contribute to conservation, recreation, education, Indigenous culture, and local economies as a research forest.*

## **Operations Division: Aquatic Resource Management (ARM) Program**

### Community engagement to inform an Abandoned and Derelict Vessels (ADV) program

In April 2023, the State Land Board directed the Department to take urgent action in collaborating with State agency partners and stakeholders to develop a statewide program to address hazardous vessels and proposed legislative action. In June 2023, the Oregon legislature passed HB 2914 – establishing an ADV program at the Department in consultation with the Oregon State Marine Board, Department of Environmental Quality, and Parks and Recreation Department. Passage of HB 5029 allocated \$18.76 million from the Monsanto settlement for deposit into a newly established Oregon ADV fund.

In summer 2023 the Community Engagement Officer held over 40 one-on-one listening sessions with stakeholders at ports, marinas, environmental organizations, support services for the unhoused, marine industry, and more. Following the first early engagement effort, the Department convened an ADV Workgroup in September 2023 to provide input on key elements of a statewide ADV program. The 20+ workgroup members brought a wide variety of perspectives and expertise, including ports, marinas, waterway recreation, environmental protection, vessel salvage, and local government. Workgroup meetings were open to community members and meeting agendas always included time for community input.

### Mitigation Banks

When projects result in unavoidable impacts to wetlands and waters, mitigation to replace the benefits provided by those natural resources must occur locally, within the same watershed. This approach ensures the environmental and societal benefits provided by wetlands and waters, such as storing water to reduce flood risks and improving water quality, continue in the communities where project impacts occur.

The Department is seeking to address the barriers the Cow Creek Band of Umpqua Tribe of Indians (CCBUTI) experienced when seeking approval of the Villines Mitigation Bank in Douglas County. Direct consultation began earlier this year and is ongoing to identify a potential new approach to mitigation bank sponsorship by CCBUTI that is acceptable to both the State and the Tribe. Department and Tribal staff are identifying alternative solutions which, for example, could take the form of drafting agreements, reviewing Oregon administrative rule language, or proposing alternative rule language. Recently, there has been potential interest from other Tribal governments in exploring sponsorship of mitigation banks. Should rulemaking be identified as a solution, the Department is committed to providing engagement opportunities with the nine federally recognized Tribes within Oregon in efforts to update these rules.

### Working with houseless populations on public land

Public land can feel like the last space available for people experiencing homelessness. These lands are not healthy living options as they are exposed to extreme weather conditions, lack access to basic needs like water and sanitation, and are isolated from outreach and emergency services. Besides being unsuitable for human habitation, lands and waterways used for long-term camping often experience severe, potentially irreversible, impacts to ecological health.

Staff at DSL have encountered extensive littering and dumping, reckless burning, destruction of riparian vegetation, discharge of firearms, and other health and safety issues when visiting long-term camping sites.

The Department works closely with local community partners, such as the Multnomah County Sheriff's Office Homeless Outreach Programs Engagement (HOPE), taking a cooperative approach to identify effective solutions and strategies for addressing individual camps. During FY23, the Department conducted a significant camp cleanup at Lindbergh's Beach, in Portland. This three-day cleanup removed approximately 10 tons of debris and two boats from the riparian area. DSL was assisted by local and state governments, behavioral health professionals and law enforcement.

In some cases, the State Land Board and DSL try to resolve known issues through temporary restrictions on camping, campfires, and overnight use followed by DSL rulemaking or administrative closures to limit uses permanently. Following a public comment period, in November 2023 the Department approved the extension of a five-year closure to overnight camping and campfires (from 10:00 p.m. to 5:00 a.m.) on a parcel of state-owned land along the Willamette River for an ongoing waterway remediation project. Enforcing closures and other restrictions is challenging and requires a holistic, collaborative approach.



*Moore and Wright Islands Natural Area, where the Department is managing a grant for Oregon Department of Environmental Quality, is within the Columbia Slough Watershed. The project will address sediment contamination to improve habitat for fish, birds, and mammals as well as provide safer recreation for the community.*

### **South Slough National Estuarine Research Reserve**

The Reserve collaborates closely with the local Tribes on a wide range of activities including planning projects on the Reserve, doing research, creating educational opportunities, and more. The Reserve maintains formal Memorandums of Understanding with both the CTCLUSI and the Coquille Indian Tribe.



These cooperative agreements facilitate the exchange of information and data, shared use of equipment and facilities, and joint proposal development and project management.

### Reserve Management Commission

By statute, the Reserve Management Commission reserves one commission seat for Tribal representation at all times. The seat held by the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians since September of 2017 transferred to the Coquille Indian Tribe in the fall of this 2022 and continued through 2023.

### Water Quality Monitoring

Reserve science staff continue to collaborate with the Coquille Indian Tribe and CTCLUSI to manage real-time water quality stations and to discuss data related to water quality in Coos Bay. Reserve staff have also been providing technical support to the Coquille Indian Tribe staff for new water quality monitoring efforts in Coos Bay and to help link Tribal station data to the Northwest Association of Networked Ocean Observation Systems. The Reserve's Margaret A. Davidson Graduate Research Fellow, funded through the National Oceanic and Atmospheric Administration, is working with the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians to survey harmful algal blooms in the Coos estuary.

### Education and Trainings

The Reserve offers programming designed to connect all learners to our estuaries and coastal watersheds through community classes, science camps for kids, field trips, and teacher trainings.

Community classes provide people of all ages and backgrounds with the chance to learn through activities like bird watching, kayaking along water trails, and nature-based crafts. Reducing or removing barriers to education supports all Oregonians, and most of this programming is free to attend and very popular with the local coastal communities.

Science camps encourage kids and teens to peer closer into the natural world and learn about research and stewardship. Based on feedback from the last several years, the Reserve will implement a new lottery system for 2024 summer camp sign-ups. The two-week sign-up window will increase equitable access for community members with limited internet access and time.

Reserve staff continue to work with Tribal staff to deliver education programs, training, and summer camps. For example:

- The Reserve collaborated with the Coquille Indian Tribe staff to design and deliver a multi-day youth camp for their Tribal community.
- Stewardship Coordinator Dr. Alices Yeates developed and delivered a presentation on co-management and indigenous knowledge in partnership with the CTCLUSI.
- Staff held regular coordination meetings with the local Tribes to develop content for the exhibits on site at the Reserve and enhance educational displays for visitors.

### Partner on Projects on the Reserve

Reserve staff communicate regularly with the CTCLUSI and the Coquille Indian Tribe staff to coordinate cultural reviews for restoration and research projects, maintenance work requiring soil disturbance, and newly acquired lands in the Reserve. Both Tribes serve as partners on the current Wasson Creek Watershed Restoration project and on the Indian Point Restoration project. The Tribes have been integral in providing staff support and information to meet National Historic Preservation Act Section 106 compliance for restoration planning.

Reserve staff acquired funding for another project in partnership with other national estuarine research reserves, and work began October 1, 2023: “Integrating Indigenous knowledge and NERR science and monitoring to improve estuarine stewardship and management, with shared benefits for birds and local communities.” The project involves The Pacific Birds Habitat Joint Venture and NERRs in Hawai’i, Alaska, Washington and Oregon and their Indigenous communities.

The Reserve also regularly works with Tribal staff and Tribal members to provide opportunities for cultural plant gathering and Tribal program requests, as needed.



*In partnership with Coos Watershed Association, and funded by Coquille Tribal Community Fund, native shrubs were planted along the upper reaches of the Wasson Creek. Willow stakes await planting by South Slough Reserve staff, volunteers, and partners.*

## ENVIRONMENTAL JUSTICE ISSUES AND COMMUNITIES

*ORS 182.550 Section 1: Address environmental justice issues*

*ORS 182.550 Section 3: Determine the effect of agencies' decisions on environmental justice communities.*

*ORS 182.550 Section 5: Utilize the environmental justice mapping tool developed under section 12 of this 2022 Act.*

One of the primary approaches for consideration of environmental justice issues in agency operations and decision-making is through the Department's [public participation and meaningful involvement processes \(see the following section of this report\)](#). When beginning stakeholder involvement, the Department uses the State of Oregon's definition of environmental justice communities when considering project impacts on stakeholders:

*Environmental Justice Community: (ORS 182.535 Section 4)*

*"Environmental justice community" includes communities of color, communities experiencing lower incomes, communities experiencing health inequities, tribal communities, rural communities, remote communities, coastal communities, communities with limited infrastructure and other communities traditionally underrepresented in public processes and adversely harmed by environmental and health hazards, including seniors, youth and persons with disabilities.*

Another primary approach is in our consultation and coordination with the Tribal governments. In 2023 the Department began an initiative ([see agencywide 2023 Environmental Justice Highlights in this report](#)) to connect more deeply across programs, share resources, and advance best practices in Tribal relations. Forming a Tribal Relations Collaborative with representatives of all the Department's programs is advancing our goals of tracking issues important to the Tribal governments. Learn more about the Department's government-to-government policy and processes in the [Consultation and Coordination with Tribal Governments section](#).

Monitoring of agency impacts is centered on impacts to water resources and public trust values, as well as protection of cultural resources on Oregon-owned waterways and the state-owned uplands. All applications for permitting and uses of state-owned lands require a Land Use Compatibility Statement. This determines whether a Department permit or approval will be consistent with local government comprehensive plans and land use regulations.

The Department's EJ Liaison participates in the EJ Council meetings to stay informed on the progress of the State of Oregon's environmental justice mapping tool project. We're actively examining our current processes and practices to determine how they can be adapted to integrate the new statewide tool due to launch in 2025. In the interim we are looking at how the Environmental Protection Agency's EJScreen platform can be used to analyze local environmental justice communities potentially impacted by projects and shape the public participation efforts.



*Native Wax Currant, this one growing wild on lands managed by the Department, is a traditional food for Tribal members residing in Oregon.*



## PUBLIC PARTICIPATION AND MEANINGFUL INVOLVEMENT

*ORS 182.550 Section 2: Increase public participation of individuals and communities affected by agencies' decisions.*

The Department is committed to providing access to meaningful engagement through inclusive public service and access to information.

### Identifying Stakeholders

The Department's Community Engagement Officer / Environmental Justice Liaison and the project team begin by identifying stakeholder groups and where on the spectrum decisions might impact or interest them. This process supports targeted public noticing for the comment period and the outcome of decisions, as well as forming advisory committees. Generally, the Department considers:

- *People/groups who may be directly affected by the proposed changes.* Through impacts to their property, activities, business operations, etc. For example, people or businesses who apply for removal-fill permits in wetlands and waterways, currently lease state-owned lands or waterways, or use state-owned land for recreation.
- *People/groups with interests or concerns that may be affected by the proposed changes.* Those who have a connection to the issue or topic the change or decision is related to. For example, conservation groups interested in protecting natural resources, building groups interested in reducing barriers to development, economic development or business entities, etc.
- *People/groups who should be made aware of the proposed changes.* Typically includes government agencies, law enforcement agencies, local legislators, and the public (either the public in a specific geographic location, or statewide for proposed changes that could affect many Oregonians.)

Concurrently, the Department considers the impacts to federally recognized Tribes in Oregon and offers consultation or coordination as appropriate. See the report section on [“Consultation and Coordination with Tribal Governments”](#) for more information.

### Meaningful Involvement: Public Comment, Meetings, and Advisory Committees

When public meetings are held regarding local projects, the Department seeks to host those meetings in person near the site of the project as well as a hybrid option to increase access. In 2023 the Department invested in portable hybrid technology to support these efforts, however limited internet access in coastal and rural areas continues to be a barrier.

- *Projects in wetlands and waterways.* Projects in wetlands and rivers, streams, lakes, or other waters usually require a removal-fill permit to protect the state's water resources. Waterway use authorizations allow certain uses of Oregon-owned rivers, lakes, territorial sea, and other waterways while compensating Oregonians for usage of these public resources. Application status, materials, and opportunities to comment are online, and the State Agency Coordination Program supports the notice and public comment process. Sometimes these projects require

more opportunities for public participation, and a public meeting will be held.

- *Land sales and exchanges:* Approximately 1.5 million acres of surface and subsurface lands across Oregon are managed by the Department, and occasionally those lands are sold or exchanged for land at full market value to maximize revenue for the Common School Fund. Status of pending or finalized land transactions and opportunities to comment are online. Sometimes these require more opportunities for public participation, and a public meeting will be held.
- *Rulemaking:* Throughout each year, DSL proposes rules that determine how DSL and other state agencies operate, including how they interpret and implement state laws. Administrative rules can also describe agency practices and policies. The rulemaking process is designed so there are several opportunities for people or organizations to provide feedback on a proposed rule by holding informational meetings and public hearings, convening Rulemaking Advisory committees, and inviting public comment. All advisory committee meetings are noticed and open to the public to attend, and meeting agendas include allocated time for comment.
- *State Land Board:* The State Land Board oversees DSL and meets regularly to make decisions regarding school lands and state-owned waterways, and to provide direction on Department operations. Anyone can attend these meetings (online or in-person), and there are opportunities to submit testimony in writing or verbally.



**Community Involvement**

**ADV Workgroup meetings are open to community members to attend and stay connected to the discussion.**

- ADV Workgroup meetings include limited time on the agenda for input from community members.
- Current meeting information and materials will be posted on the DSL website. Meetings will be noticed one week in advance, and recordings will be made available.
- In early 2024, DSL will open a comment period on the proposed ADV program framework, prior to bringing these efforts before the Land Board for a decision.

Cait McCusker, DSL

OREGON DEPARTMENT OF STATE LANDS

*Community Engagement Specialist and EJ Liaison Cait McCusker moderating a meeting of Oregon's Abandoned and Derelict Vessel Workgroup. First convened in September 2023, the advisory workgroup is comprised of over 20 members who bring a wide variety of perspectives and expertise, including ports, marinas, waterway recreation, environmental protection, vessel salvage, and local government.*

## CONSULTATION AND COORDINATION WITH TRIBAL GOVERNMENTS

In addition to meaningful involvement with the public, the Department places a high priority on being accessible to and actively communicating with the nine federally recognized Tribes in Oregon: Burns Paiute Tribe; Confederated Tribes of Coos, Lower Umpqua, and Siuslaw; Confederated Tribes of the Grand Ronde Community of Oregon; Confederated Tribes of Siletz Indians of Oregon; Confederated Tribes of the Umatilla Indian Reservation; Confederated Tribes of Warm Springs Reservation of Oregon; Coquille Indian Tribe; Cow Creek Band of the Umpqua Tribe; and the Klamath Tribes.

### **Agencywide**

Across the agency, the Department encourages staff participation in state and Tribal trainings, workshops, and community events to raise awareness of Tribal interests, increase communication on work and projects of department and Tribal overlap, and improve government-to-government relationships.

In advance of any rulemaking, the Department consults the State's Physical Anthropologist at LCIS on the geographic or issue-level Tribal interests. Our Director invites those Tribes to participate in whichever capacity best meets their needs: participation as a member of the rulemaking advisory committee (RAC), direct consultation, or staying informed.

As our newly formed Tribal Relations Collaborative connects resources across programs, and the new Government Relations Team evolves, we will continue to advance our processes to cultivate relationships with the Tribal governments.

### **Operations Division: Real Property Unit & Aquatic Resource Management (ARM) Program**

The Department regularly includes Tribes in notification of potential or pending actions on Oregon-owned land managed by the Department, giving the respective Tribe(s) an opportunity to comment, or otherwise respond, on the proposed action. We consult those Tribes on their preferred contacts and on the geographic areas they are most interested in.

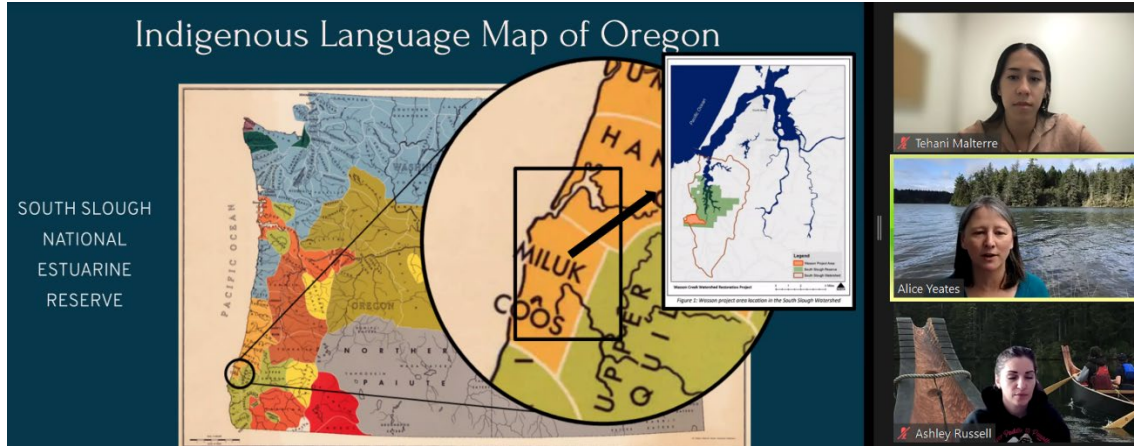
The Department continues to discuss our notification processes, how we can better coordinate with Tribal staff on proposed actions, and our ability to condition authorizations based on comments received for various ARM applications.

### **South Slough National Estuarine Research Reserve**

The Reserve recognizes its location on the traditional lands of the Miluk Coos people who have managed this area for abundance since time immemorial. To ensure ongoing and sound stewardship of this special place and protection of its cultural resources, the Reserve relies on regular consultation and partnership with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians (CTCLUSI); Coquille Indian Tribe; and Confederated Tribes of Siletz Indians.

Reserve staff regularly partner with Tribal staff on education and training programs, research and monitoring projects, and stewardship work. The Reserve values regular input from Tribal staff participating on the Reserve Management Commission and serving on technical advisory groups. Staff also work closely with the Tribal Historic Preservation Officers to assess potential impacts of Reserve

projects on cultural resources and take measures to avoid or mitigate any negative impacts as well as measures to enhance cultural resources. The Reserve frequently collaborates with Tribal partners on grant proposals on issues such as acquiring funding to support Tribal partners with climate resiliency projects.



*Stewardship Coordinator and resident scientist Dr. Alice Yeates presented in a February 2023 webinar on “Indigenous Leadership and Partnerships in Estuary Stewardship.”*



# ENVIRONMENTAL JUSTICE PROGRESS AND LOOKING AHEAD

ORS 182.550 Section 4: Improve plans to further improve environmental justice in Oregon.

## Environmental Justice in Strategic Plans

Environmental justice is integrated into the Department in planning, policy development, and legislation. The Department's five-year strategic plan (FY 2022 – 2027) is focused on advancing agencywide goals, and the plan contains multiple initiatives connected to environmental justice, equity, and inclusion. One of those projects that is actively underway is the development of our Diversity, Equity, and Inclusion (DEI) Action Plan (2025 – 2027) which will serve as a companion plan. Led by the Department's HR Manager (Affirmative Action Lead) and Community Engagement Officer (EJ Liaison), it will detail near-term milestones to advance DEI in our workforce, inclusive communications, community engagement, and operations. Learn more about current initiatives underway in the Looking Ahead to 2024 – 2027 section of this report below.

Our policy and legislation initiatives are in alignment with our strategic plan goals. Direction on how those align is guided by the Governor's Office, the State Land Board, and the legislature.

## Barriers and Opportunities to Advancing Environmental Justice

To further develop and implement environmental justice policies at the Department or more broadly across the State of Oregon, please consider the following:

- **Develop enterprise-wide guidance and centralized resources from the new Governor's Office of Cultural Change and DAS** on DEI-related issues such as compensation for advisory boards and pricing agreements with DEI consultants.
- **Create foundational DEI training opportunities from DAS and the Office of Cultural Change** on a variety of diversity, equity, and inclusion topics to create a common, shared language and understanding across all agencies.
- **Create foundational environmental justice training opportunities, informed by the Environmental Justice Council.** Include basic history and concepts of EJ, relevant federal and state laws, define EJ communities, and how environmental justice impacts are relevant to the work of natural resources agencies in monitoring and enforcement, outreach and education, permits and authorizations, etc.
- **Increase access to meaningful involvement opportunities through broadband improvement in rural and remote communities.** Internet access can be a barrier to public participation and meeting the requirements of House Bill 2560 "*Relating to expanding remote participation of public in self-government through use of technology*". Many of our stakeholders are in coastal communities or rural communities without strong internet access, which limits our ability to provide hybrid public meetings while also ensuring local, in-person access. Investments in internet infrastructure across Oregon, with particular emphasis on EJ communities without access, would support agencies in reaching those communities.
- **Establish hybrid technology-equipped centralized meeting spaces managed by DAS.** Not all agencies have access to the same resources. There is a high demand for accessible, large hybrid meeting rooms, particularly in Salem and Portland, that are equipped with hybrid technology and staffed to support use of that equipment. Making these spaces available for agencies to rent could provide more consistent public access and experiences in meaningful engagement.

## **Engaging with the Environmental Justice Council in 2024**

*There is no agency impacted legislation from the last legislative session where Environmental Justice Council or Environmental Justice Task Force engagement is cited in the legislation.*

The Department will continue to attend the Environmental Justice Council meetings to offer information or insight as needed. Consultation may be requested in the future on rulemaking activities that may impact environmental justice communities. We hope to coordinate with the EJ Council and EJ Liaisons on developing a framework for how natural resource agencies can identify, track, and address EJ in operations.

## **Looking Ahead to 2024 – 2027**

Advancing environmental justice within Department programs, policies, and practices is key to improving our customer service and public involvement practices, rulemaking outreach, and permit review processes, and improving our Tribal relations.

DSL will be pursuing several of the action items outlined in the 2022 – 2027 Strategic Plan, many of which are currently underway:

- Launch a new and improved website in Spring 2024 to support people in connecting with program information, services, and our staff.
- Develop a DEI Action Plan (2025 – 2027) as a companion plan to our strategic plan, focused on workforce development, inclusive communications, community engagement, and operationalizing DEI.
- Examine our approach to public participation and engage with stakeholders and experts to develop best practices for public participation.
- Examine current practices for engaging Tribal governments to identify improvement opportunities, such as: updating our government-to-government policy, trainings for staff, and coordination with the State Historic Preservation Office on strategies to better evaluate cultural resources through state permitting.
- Modernize our permitting and information system and increase access to our services and participation opportunities for Department wetland and waterway permits and land management decisions.
- Open the 2023 – 2025 grant cycle for the Department’s Submerged Lands Enhancement Funds (SLEF) cyclical grant to support local governments and community-based organizations in waterway stewardship projects.

*For additional information or to provide feedback on this report, please contact Community Engagement Specialist and Environmental Justice Liaison Cait McCusker at [cait.mccusker@dsl.oregon.gov](mailto:cait.mccusker@dsl.oregon.gov)*

<https://www.oregon.gov/dsl/pages/index.aspx>

## APPENDIX A: DEFINITIONS

### **Environmental Justice: (ORS 182.535 Section 3)**

“Environmental justice” means the equal protection from environmental and health risks, fair treatment and meaningful involvement in decision making of all people regardless of race, color, national origin, immigration status, income or other identities with respect to the development, implementation and enforcement of environmental laws, regulations and policies that affect the environment in which people live, work, learn and practice spirituality and culture.

### **Environmental Justice Community: (ORS 182.535 Section 4)**

“Environmental justice community” includes communities of color, communities experiencing lower incomes, communities experiencing health inequities, tribal communities, rural communities, remote communities, coastal communities, communities with limited infrastructure and other communities traditionally underrepresented in public processes and adversely harmed by environmental and health hazards, including seniors, youth and persons with disabilities.

### **Meaningful Involvement: (ORS 182.535 Section 7)**

“Meaningful involvement” means:

- a) Members of vulnerable populations have appropriate opportunities to participate in decisions about a proposed activity that will affect their environment or health;
- b) Public involvement can influence a decision maker’s decision;
- c) The concerns of all participants involved are considered in the decision-making process; and
- d) Decision makers seek out and facilitate the involvement of members of vulnerable populations

### **Environmental Burdens: (ORS 182.535 Section 2)**

“Environmental burden” means the environmental and health risks to communities caused by the combined historic, current and projected future effects of:

- a) Exposure to conventional pollution and toxic hazards in the air or in or on water or land;
- b) Adverse environmental conditions caused or made worse by other contamination or pollution; and
- c) Changes in the environment resulting from climate change, such as water insecurity, drought, flooding, wildfire, smoke and other air pollution, extreme heat, loss of traditional cultural resources or foods, ocean acidification, sea-level rise and increases in infectious disease.

## APPENDIX B: LEGISLATIVE REFERENCES

### House Bill 4077 (2022)

Legislation establishing the Environmental Justice Council, the Council's responsibility to develop an environmental justice mapping tool, develop a biannual report to the Governor, and the requirement for natural resource agencies to submit an annual report to the Environmental Justice Council.

### Senate Bill 420 (2007)

Legislation establishing the Environmental Justice Task Force, the predecessor for the Environmental Justice Council. It also includes requirements for the Task Force to submit biannual reports to the Governor and the requirement for natural resource agencies to submit an annual report to the Environmental Justice Task Force.

### ORS 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 environmental justice communities;
4. Improve plans to further the progress of environmental justice in Oregon; and
5. Utilize the environmental justice mapping tool developed under section 12 of this 2022 Act.