



photo credit: Sarah Taylor

# **\*\*DRAFT\*\***

# Collaborative Group Charter

*Portland Harbor Superfund Site*

DRAFT DOCUMENT

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For Review and Comment Only

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## Introduction

This Collaborative Group Charter (Charter) is a living<sup>1</sup> document and was developed in the Fall of 2020 to guide the Collaborative Group process.

Between 2018 – 2020, the Portland Harbor Superfund Site (PHSS or Site) Community Leaders Group (CLG) developed a recommendation to establish a Collaborative Group for consideration by the CLG, the United States Environmental Protection Agency (EPA), and the Oregon Department of Environmental Quality (DEQ). In 2020, the CLG, EPA, and DEQ achieved consensus and adopted the [Final Adopted Collaborative Group Proposal \(Version 2\)](#)<sup>2</sup>, establishing the PHSS Collaborative Group (Collaborative) for the Site.

## Background

A brief background about the Portland Harbor Superfund Site location, role, and a brief introduction to the Tribal and Environmental Justice History and context are provided below. This section is intended to inform the Collaborative Group members' historical framework and understanding as they participate in the Collaborative Group process.

### Superfund Site Location and Role

The Portland Harbor Superfund Site (the PHSS or the Site) is a priority cleanup site for the U.S. Environmental Protection Agency (EPA). The Site includes a portion of the lower Willamette River and spans approximately 10 miles between the City of Portland's Broadway Bridge and Sauvie Island. The lower portion of the Willamette River flows south to north through Portland, separating the east and west portions of the city. The contaminated Site encompasses numerous residential neighborhoods, recreation areas, migratory bird corridors, etc.

The arrival of general industry, industrial agriculture, and shipping in the 19<sup>th</sup> Century disrupted and polluted the ecosystem and altered the lower Willamette River. The current Site area plays an important role in the community by providing and supporting ecosystem services such as air quality, energy, food, physical and mental well-being, water, plants, and wildlife. The cleanup will reduce health risks to people, fish, and wildlife and set the stage for redevelopment and revitalization of the river. It may also expand public access to the riverfront for boating, fishing, housing, recreation, workforce development, and other uses through the heart of Portland.

### Tribal and Environmental Justice History and Context

It is important to note that the federally recognized Tribes with interests on the Site were and remain instrumental in the EPA Superfund cleanup process at Portland Harbor and honoring their history as part of the Collaborative Group process is imperative to community leaders.

The Site area of the lower Willamette River is the ancestral homeland to many Native people, including the Multnomah, Wasco, Cowlitz, Kathlamet, Clackamas, Bands of Chinook, Tualatin Kalapuya, Molalla, and many other Tribes. For thousands of years, Native people have used the resources of the lower Willamette River for

<sup>1</sup> "Living" document refers to a document that is continually edited and updated.

<sup>2</sup> Final Adopted Collaborative Group Proposal (Version 2) link: <https://www.triangleassociates.com/wp-content/uploads/2020/07/PH-FinalCollaborative-Group-Proposal-Version-2-Adopted-7-21-2020-.pdf>

subsistence as well as cultural and religious activities. Native people living in this region have stewarded the Willamette River Valley for generations. Portland's environmental justice (EJ) history begins with Native people who lived in the area long before Europeans arrived. These Tribes were connected to the plentiful river-linked natural resources in the area including the fish, the wildlife, the plants, and the habitat. The Native people maintained a self-sufficient lifestyle from the beginning of time. However, Europeans arrived in the 18th and early 19th centuries and spread disease, which resulted in death for Native people and the imposition of environmental problems.

Numerous environmental injustice events occurred between the early 1800s and continue current day, creating many social and racial inequities throughout Portland's neighborhoods and mostly affecting lower-income and working-class families. In addition to these events, historical legal and zoning practices including racial covenants, redlining, eminent domain, and multiple waves of displacement/gentrification. Understanding the history and restrictions for living and building in the Site area requires a knowledge of how these practices relate to and shape modern-day Portland.

For example, during World War II, two of the three public housing developments permitting African American and Black American residents in Oregon were in the Site area. Vanport City<sup>3</sup> was the largest of the three in the state and in 1948 the Vanport Flood displaced over 18,000 residents, one-third of which were African American and Black American. Many Vanport refugees found haven at Guild's Lake Courts, which was the only other public housing development in the Site area that permitted African American and Black American residents at the time. In 1951, Guild's Lake Courts was demolished by the Housing Authority of Portland with no place for residents to take refuge. *For more information on these and other environmental injustices in the Site area, see the robust Tribal and EJ history sections in the PHSS Community Involvement Plan (CIP) [here](#)<sup>4</sup>. Additional historical information can also be found on websites for the [Portland Harbor Community Advisory Group \(CAG\)](#)<sup>5</sup> and the [Portland Harbor Community Coalition \(PHCC\)](#)<sup>6</sup>, among many other places.*

## Collaborative Group Purpose and Description

### Purpose Statement

The purpose of the Collaborative is to provide an inclusive forum for interested and affected parties to share and receive updates and provide feedback and make individual member recommendations to EPA and DEQ regarding the PHSS cleanup process for the life of the project.

### Collaborative Group Description

The co-conveners and Collaborative members envision a forum where members will:

- A. transparently exchange information to ensure all communities receive updates;
- B. provide opportunities for feedback and responsiveness;
- C. provide individual member recommendations to EPA and DEQ; and
- D. strive to consider common ground whenever possible through individual member input.

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<sup>3</sup> Vanport City was Oregon's second-largest city at the time, the largest public housing project in the nation, and about 40% were African Americans and Black Americans and many others Native American.

<sup>4</sup> Portland Harbor Superfund Site Community Involvement Plan website: <https://semspub.epa.gov/work/10/100261772.pdf>

<sup>5</sup> Portland Harbor CAG website: <http://www.willametterivercleanup.com/>

<sup>6</sup> PHCC website: <http://ourfutureriver.org/>

The co-conveners and Collaborative members will work together to move the PHSS cleanup process forward on the topics of:

- A. human health;
- B. remediation, environmental and ecological health, and re-development;
- C. upland source control; and
- D. other related priorities.

### Convener & Co-Convener

EPA is the lead convener and DEQ is a co-convener of the Collaborative. They will receive recommendations from the individual members.

- A. **EPA:** Convenes and attends Collaborative meetings, presents as needed, serves as a resource, and receives feedback and individual member recommendations from the Collaborative's members.
- B. **DEQ:** Co-convenes and attends Collaborative meetings, presents on an as-needed basis or when it makes sense, and receives feedback and individual member recommendations from the Collaborative's members.

### Steering Committee

A Steering Committee will form to help guide the work of the Collaborative. The Steering Committee will consist of at least six Collaborative members, and it will be facilitated by the Collaborative facilitator. The make-up of the Steering Committee will likely include at least four individuals with the objectives of having representation from the Tribes, communities, and up to one performing responsible party representative, while keeping the group small enough to ensure scheduling is not overly burdensome. For example, the Steering Committee might include one-to-two Tribal representatives or members and one-to-two additional members from the list above (i.e., neighborhoods, coalitions, conservation interests, advisory groups, public agency representatives<sup>7</sup>, etc.) to ensure equitable representation of affected communities. The PRPs may have up to one individual to represent their interests on the Steering Committee.

The Steering Committee roles and responsibilities include:

- A. participating in planning meetings/conference calls to prepare for Collaborative meetings (up to three hours) and total estimated 46 hours per year (including the Collaborative)
- B. recommending meeting topics/agendas
- C. developing Collaborative agenda topics for the year
- D. reserve the ability to determine whether to excuse agencies or PRPs from Collaborative meetings when necessary
- E. other duties as assigned

The Steering Committee membership can rotate based on which of the upcoming meeting topics are relevant to specific Collaborative members, the need for input and guidance from those specific members, and to spread the responsibility between individuals over the course of the year. If one member would like to volunteer for the entire year, that is acceptable if it does not conflict with others' participation.

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<sup>7</sup> Public agency representatives include individuals from the City of Portland, the Port of Portland, and the State of Oregon, among others.

EPA and DEQ will participate in Steering Committee meetings as observers, not members. The role of the EPA and DEQ is to clarify when proposed Collaborative topics arise that are outside of the Superfund scope, but EPA and DEQ will not control the direction of the Steering Committee.

## Members

The vision of the Collaborative Group is to convene a diverse group of individuals who are representative of the lived experiences, interests, and perspectives of Portland's environmental justice communities. In addition to diversity of background and identity, the Collaborative will also seek diversity of interests. The list below are examples of proposed<sup>8</sup> interest groups that might make up the initial Collaborative Group membership.

The following is meant to be inclusive and iterative and is likely to change over time. If there are additional groups that want to have representation and members, they are welcome. Beginning with B (Civic Engagement Groups), proposed member groups are listed in alphabetical order.

- A. **Tribes:** The Collaborative will invite affected Tribes and interested federally and non-federally recognized Tribes to participate in the Collaborative.
- B. **Civic Engagement Groups (i.e., WRAG, etc.)**
- C. **Diverse Communities:** i.e., Black, Indigenous, and people of color (BIPOC), Asian Americans, immigrant, and refugee communities, and others are all welcome.
- D. **Environmental and Conservation Groups**
- E. **Houseless Community Groups**
- F. **Neighborhood Groups:** We recognize that there will be multiple representatives from neighborhoods, coalitions, advisory groups, etc. Representatives that have the capacity and willingness to participate are invited to do so.
- G. **Portland Harbor Community Advisory Group (CAG)**
- H. **Portland Harbor Community Coalition (PHCC)**
- I. **Performing Responsible Parties:** One-to-three, potentially rotating, representatives that have a site-specific or site-wide agreement signed with EPA and are working in good faith with regulatory agencies and community stakeholders.
- J. **Public Agency Representatives:** The City of Portland, Oregon Health Authority (OHA), Multnomah County, the Governor's Office (representing the Department of State Lands, the Oregon Department of Transportation), the Port of Portland, etc.
- K. **Public Health and Environmental Health Groups**
- L. **Social Justice Groups/Community Based Organizations (CBOs)**
- M. **Workforce Development Groups**
- N. **Youth-led Groups**

## Facilitator

The Collaborative meetings will be facilitated by a neutral third-party facilitator.

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<sup>8</sup> "Proposed" is the term used to identify the groups that the Collaborative hopes to bring to the table; however, they may or may not participate based on their interest and capacity.

## Working Groups

The Collaborative is a site-wide effort which geographically covers numerous project areas. Working Groups may form to focus on project areas (i.e., Cathedral Park Project Area, Willamette Cove, etc.) and/or topics and make recommendations to the Collaborative. *The specifics of Working Groups and how these efforts will be coordinated will be further discussed and determined by members as the Collaborative process evolves.*

**Commented [AK1]: Collaborative Members:** "Working Groups" section is new as of 2-26-2021 as requested by members Cassie Cohen and Michael Pouncil.

## Membership Criteria

The Collaborative consists of an inclusive group of interested and affected parties who reflect a broad involvement in the cleanup.

### Required Criteria

To provide continuity for the Collaborative, members must meet the following criteria:

- A. review documents related to the Collaborative
- B. attend the majority of meetings
- C. report back to respective groups and relay feedback to the Collaborative

### Optional/Not Required Criteria

The following criteria are optional/not required but are desirable if possible:

- A. have a strong interest<sup>9</sup>, previous experience, knowledge, traditional ways of knowing, or other resources that can contribute to the Collaborative
- B. have technical knowledge related to the PHSS
- C. interest to engage and learn
- D. ability to disseminate information

## Collaborative Meeting Schedule & Time Commitment

The Collaborative will meet four-to-six times per year. It is anticipated a member would need to commit about 28 hours a year for the Collaborative. This is assuming four-to-six Collaborative meetings per year (including Public Forums and three-hour Collaborative meetings), four hours per year to review documents before meetings, and approximately six hours per year for reporting back to groups and gathering feedback.

## Non-Members Resource Representatives & Observers

Non-member resource representatives include individuals who have subject matter or technical expertise and/or are from academia that are not members of the Collaborative. Observers may include Tribal representatives that prefer to be a Collaborative observer rather than a member; community leaders that decide not to be Collaborative members; elected officials; media; members of the public; high school and college students; ad hoc interest groups (i.e., academia or experts); and others.

## Potential Participation Stipend for Community Representatives

While EPA cannot provide a participation stipend for community representatives or use Superfund monies for stipends, other options may exist.

<sup>9</sup> Strong personal interest refers to someone who does not need any persuasion to be a part of the Collaborative and has personal drive to use their time and resources available to dedicate to the cleanup process.

The facilitation team is researching resource opportunities to compensate community representatives for their participation and to reduce the barriers to participation by providing childcare, food, transportation, and/or minimizing the digital divide<sup>10</sup> for participating in meetings. If any Collaborative members have ideas or suggestions on how to make funding available, please contact the facilitation team directly.

## Collaborative Process Check-in

The Collaborative will be in effect for as long as its members find it to align with the intended purpose and is useful. To ensure that the updated structure is effective and relevant, the Collaborative conveners and members will engage in a facilitated conversation during its fourth meeting to check-in on how the Collaborative and revised forum approach is working and if there are any suggested changes.

## Other Processes

### Community Leaders Group

The Community Leaders Group (CLG) meetings will be absorbed by the Collaborative meetings and the CLG will discontinue once the Collaborative begins. This helps to reduce the overall number of meetings that community groups are attending while offering them another venue to participate in. If needed, the Collaborative will create space for community leaders and agencies to have discussions without PRPs in the room.

### Public Forum

To preserve the nature of the Public Forum/Open Houses, EPA and DEQ will continue the Public Forum with alternative formats based on the needs of each meeting and at the request of the Steering Committee.

Examples of Public Forum meeting formats might include:

- holding a one-hour meeting after the Collaborative meetings where the public is invited to interact with participants, ask questions, and gather information in an informal setting;
- hosting a semi-annual Public Forum, separate from the Collaborative;
- holding a Public Forum as the second half of a Collaborative meeting; and/or
- utilizing other venues for the dissemination of information to the public.

Note that the above list is not exhaustive and the planning for Public Forums will adapt to the needs and requests of the Steering Committee and the public.

## Media, Photography, & Video Policy

There are organizations that might have an interest in the activities of the Collaborative. These organizations might include but are not limited to media, video, electronic, and print. The Collaborative meetings are open to the public and the media. EPA will be responsible for responding to requests to take photographs and video at the Collaborative.

## Charter Adoption & Modification

This Charter is a living<sup>11</sup> document and will guide the Collaborative Group process. Adoption of the Charter must gain consensus by all active members and can be modified based on member feedback.

<sup>10</sup> The digital divide refers to the accessibility of Wi-Fi and technology, or the lack of availability of Wi-Fi, in some tribal, low income, or rural communities, that are not easily connected to the internet.

<sup>11</sup> "Living" document refers to a document that is continually edited and updated.

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