



photo credit: Sarah Taylor

# **\*\*DRAFT Proposed\*\*** **Portland Harbor** **Collaborative Group** **Charter**

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## Introduction

This Collaborative Group Charter (Charter) is a living<sup>1</sup> document and was developed in Fall 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 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 Site) is a priority cleanup site for the 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 riverfront. 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 community leaders are committed to honoring their history as part of the Collaborative Group process.

The lower Willamette River, where the Site is today, 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 subsistence as well as cultural and religious activities. Portland's environmental justice history begins with Native people who lived in the area long before Europeans arrived. Generations of native people living in this region have been stewards of the Willamette River Valley. These Tribes were connected to

<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>

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 since time immemorial. However, Europeans arrived in the 18<sup>th</sup> and early 19<sup>th</sup> centuries and imposed environmental problems and spread disease, which resulted in death for Native peoples.

Numerous environmental injustice events occurred between the early 1800s and continue in the current day, creating many social and racial inequities throughout Portland's neighborhoods, mostly affecting lower-income and working-class families. In addition to these events, historical exclusionary legal and zoning practices include racial covenants, redlining, eminent domain, and multiple waves of displacement and 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 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 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 the sources of the information provided here 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:

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

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

- human health;
- remediation, environmental and ecological health, and re-development;

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

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

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

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

- upland source control; and
- 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.

- **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.
- **DEQ:** Co-convenes and attends Collaborative meetings, presents as needed, and receives feedback and individual member recommendations from the Collaborative's members.

## Steering Committee

A Steering Committee will guide the work of the Collaborative. The Steering Committee will consist of a small group of individuals that are Collaborative members, and it will be facilitated by the Collaborative facilitator. Further, the membership of the Steering Committee will ideally include at least four individuals, with the objectives of having representation from the Tribes, communities, and up to one performing responsible party (PRP) representative, while keeping the group small enough to ensure scheduling is not overly burdensome. For example, the Steering Committee might include one or two Tribal representatives or members and one or two additional members from the members list below (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:

- participate in planning meetings/conference calls to prepare for Collaborative meetings (up to three hours) and total estimated 46 hours per year (including the Collaborative);
- recommend meeting topics/agendas;
- develop Collaborative agenda topics for the year;
- reserve the ability to determine whether to excuse agencies or PRPs from Collaborative meetings when necessary; and
- 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.

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

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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.

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 Collaborative Group does not replace formal government-to-government Tribal consultation nor Tribal feedback that is already provided on project areas through the Technical Coordinating Team (TCT)<sup>9</sup>.

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 Tribe and interested federally<sup>10</sup> and non-federally recognized Tribes to participate in the Collaborative.
- B. Civic Engagement Groups (i.e., WRAG, etc.)**
- A. Diverse Communities:** i.e., Black, Indigenous, and people of color (BIPOC), Asian Americans, immigrant, and refugee communities, and others are all welcome.
- B. Environmental and Conservation Groups**
- C. Houseless Community Groups**
- D. 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.
- E. Portland Harbor Community Advisory Group (CAG)**
- F. Portland Harbor Community Coalition (PHCC)**
- G. 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.
- H. Public Health and Environmental Health Groups**
- I. Social Justice Groups/Community Based Organizations (CBOs)**
- J. Workforce Development Groups**
- K. Youth-led Groups**

## Resource Agency Members

Resource Agency Members provide information to Collaborative Members, EPA, and DEQ but they do not develop recommendations for EPA and DEQ to consider. Resource Agency Members may be standing members or requested for specific topics and be excluded from Collaborative meetings by the Steering Committee. They shall otherwise meet the required criteria of members and should meet the optional criteria. Resource Agency Members include:

- L. The City of Portland**
- M. Multnomah County**

<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.

<sup>9</sup> TCT members include the Confederated Tribes and Bands of the Yakama Nation and the Five Tribes, including the Confederated Tribes of the Grand Ronde Community of Oregon; Confederated Tribes of the Siletz Indians; Confederated Tribes of the Umatilla Indian Reservation; Confederated Tribes of the Warm Springs Reservation of Oregon; and the Nez Perce Tribe. Other TCT members include the National Oceanic and Atmospheric Administration (NOAA); Oregon Department of Fish and Wildlife (ODFW); and U.S. Department of Interior (DOI).

<sup>10</sup> The Confederated Tribes and Bands of the Yakama Nation and the Five Tribes.

**N. Metro**

**O. The State of Oregon**, represented by the Oregon Health Authority (OHA), Oregon Department of State Lands, and the Oregon Department of Transportation

**P. Port of Portland**

## Facilitator

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

## Decision-Making & Submitting Recommendations

Collaborative members may participate in:

- making decisions on processes for how the Collaborative functions, and
- developing recommendations to submit to EPA and DEQ on how to move the cleanup forward.

Members will engage in the consensus-based decision making and recommendations process (See Attachment A); however, Resource Agency Members shall not.

## 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 to make recommendations to the Collaborative. Working groups may retain their own structures and decision-making processes and are not required to make recommendations to the Collaborative. If working groups would like to make recommendations to the Collaborative, they will follow the steps outlined in the adopted decision-making framework. Working groups will share updates and community involvement opportunities with 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.*

## 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:

- review documents related to the Collaborative;
- attend the majority of meetings;
- report back to respective groups and relay feedback to the Collaborative; and
- honor the Shared Group Agreements (Attachment B).

## Optional/Not Required Criteria

The following criteria are optional/not required but it is desirable that members:

- have a strong interest<sup>11</sup>, previous experience, knowledge, traditional ways of knowing, or other resources that can contribute to the Collaborative;
- have technical knowledge related to the PHSS;
- interested in engaging and learning; and/or
- disseminate information to non-participants.

## 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, 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.

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>12</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 useful and aligned with its intended purpose. 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 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 in March 2021 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.

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<sup>11</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 dedicate their time and resources to the cleanup process.

<sup>12</sup> The digital divide refers to the accessibility of Wi-Fi and technology, or the lack of Wi-Fi, in some tribal, low income, or rural communities, that are not easily or affordably connected to the internet.



## 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.

## To Become a Member & Maintain Membership

To become a member of the Collaborative, review, provide any proposed edits, and adopt the Draft Proposed Charter. If at any point a member does not abide by the adopted Charter and attachments, they may be asked to step down as a member by the Steering Committee. If a member would like to withdraw, they should email [phcollaborative@triangleassociates.com](mailto:phcollaborative@triangleassociates.com) with this request and the facilitation team will notify the Collaborative group.

## Charter Adoption & Modification

This Charter is a living<sup>13</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.

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<sup>13</sup> "Living" document refers to a document that is continually edited and updated.

# ATTACHMENT A

## **Portland Harbor Collaborative Group Adopted Consensus-Based Decision-Making Framework** (Adopted on September 11, 2019)

*The below decision-making framework was developed by the Portland Harbor Superfund Site Community Leaders Group. The process below was shared as a proposal for how the group will make decisions, gained consensus by community leaders, and was adopted on September 11, 2019. The framework is ready for use by the Collaborative Group.*

### **Preparing for Collaborative Decisions**

- Three weeks prior to Collaborative Group (Collaborative) meetings, members will receive a written overview of any issues, decisions, or revisions to proposals that members, working groups, EPA or DEQ are seeking feedback on.
- Each Collaborative member will review the proposed decision(s) if possible and come prepared to engage in a discussion and decide on the matter.
- It is strongly advised that each member review meeting materials at least two weeks in advance of Collaborative meetings.
- If members are unable to prepare in advance, the Collaborative and facilitator will team to get as far as possible on decisions during meetings within the timeframe allotted for the topic; however, it should be noted that a decision may need to be delayed to the next meeting to accommodate any issues and concerns raised during the meeting.

### **Adopted Consensus-Based Decision-Making Framework**

Consensus, defined as consent of all members present, will be the method of determining Collaborative members agreement on issues. A quorum exists when at least ten members are present at the meeting. The members will reach consensus on an issue when it agrees upon a single alternative and each Collaborative member can honestly say:

- We believe that other Collaborative members understand our point of view.
- We believe we understand other Collaborative member's points of view.
- Whether or not we prefer this alternative, we support it because it was arrived at openly and fairly, and it is the best decision for us at this time.

Once a topic has been discussed, any Collaborative member present can propose that the full Collaborative decide. To make a formal proposal for the Collaborative's consideration, the following must occur:

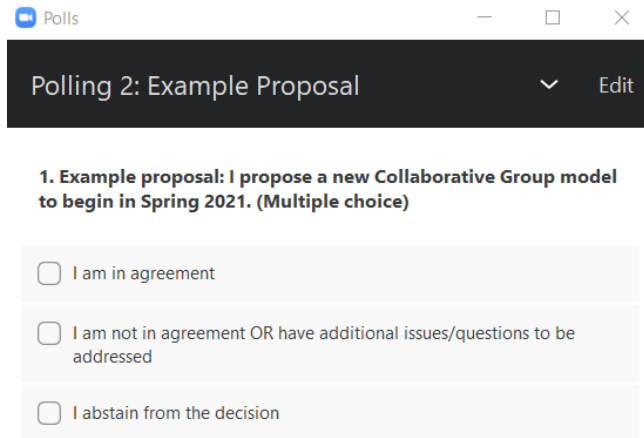
1. One Collaborative member will state the decision they would like to be made in the form of a proposal. (i.e., "I propose ....")
2. Another member must support the proposal. (i.e., "I support X's proposal regarding...")
3. The facilitator will then ask the Collaborative members for clarifying questions and, after any questions are answered, ask the Collaborative members to decide on the proposal.
4. Each Collaborative member present can respond to the proposal as follows:
  - a. In agreement;
  - b. Not in agreement *or* have additional issues or questions to be addressed; or
  - c. Abstain from the decision.

If by the end of the agenda topic timeframe, consensus cannot be reached, the absence of a decision will be noted and those that are unable to consent will be asked to engage in discussions between the quarterly Collaborative meetings to identify an alternative that they can support and the topic will be revised at the next meeting. Abstention by members from a decision does not prevent consensus.

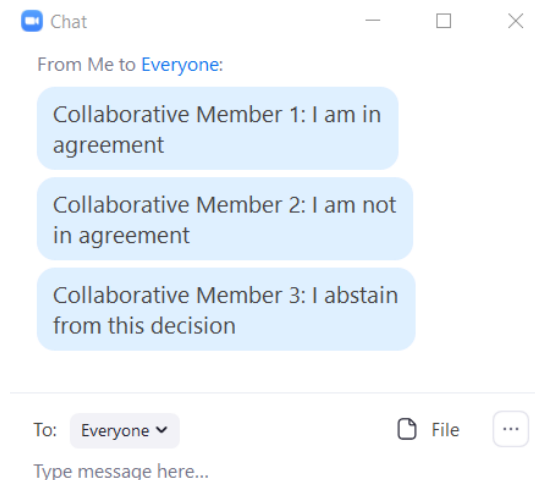
A “parking lot” may also be used to capture issues that are important and the Collaborative is not prepared to decide on at this time. Meeting summaries and/or reports will capture agreements and differing perspectives. All summaries/reports will be reviewed, revised as needed, and accepted by the Collaborative members through regularly scheduled meetings or by email.

The Collaborative members will be asked to use a virtual polling option, the chat, or share verbally their response on proposals as follows:

- **Virtual Polling:** The Facilitator will launch a virtual poll during the Zoom meeting to initiate voting, and each Collaborative member will have the chance to vote anonymously via this tool.



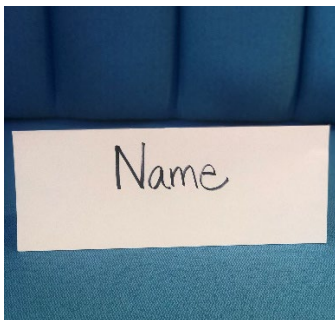
- **Virtual Chat Pod:** Once the Facilitator initiates voting, Collaborative members will have the chance to type in the Chat Pod their response on proposals.



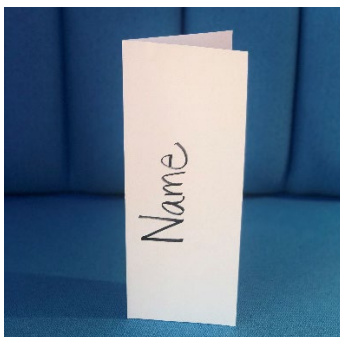
- **Share Verbally:** Once the Facilitator initiates voting, each Collaborative member will have the chance to share verbally their response on proposals.

Once meetings in-person resume, Collaborative members will be asked to use their tent card to signify their response on proposals as follows:

- **Horizontal Tent Card:** If a Community Leader is in agreement or can “live with” the alternative, they will signify their consent by placing their tent card horizontally as follows.



- **Vertical Tent Card:** In instances where a Community Leader is not in agreement or has additional issues or questions regarding the alternative, they will signify this by placing their tent card vertically as follows. Note that the facilitator will call on each individual that has their tent card vertical to hear the issue, question, or concern and strive to address any issues raised in the meeting to reach consensus if possible.



- **Flat Tent Card:** In instances where a Community leader prefers to abstain from the decision, they will signify this by placing their tent card flat on the table as follows.



## **ATTACHMENT B**

### **Portland Harbor Collaborative Group Shared Group Agreements**

*To be inserted once confirmed and adopted following September 8, 2021 meeting.*