



**EXECUTIVE ORDER NO. 23-09**

**EXPANDING HOMELESSNESS STATE OF EMERGENCY DECLARED  
IN EXECUTIVE ORDER 23-02 TO INCLUDE CLATSOP, LINN AND  
MALHEUR COUNTIES.**

Governor Tina Kotek signed Executive Order 23-02 on January 10, 2023, declaring a homelessness state of emergency in Continuums of Care that experienced an increase in unsheltered homelessness of 50% or more between 2017 to 2022. Although the Governor recognized that homelessness was a crisis in communities across Oregon, the Governor set this threshold to allow the State's limited emergency response infrastructure to focus on delivering targeted results in areas with the highest increases in unsheltered homelessness. Four continuum of care regions and the Metro region met criteria for inclusion in the emergency declared in Executive Order 23-02: (1) Metro region Continuums of Care; (2) Central Oregon; (3) Eugene Springfield/Lane County; (4) Medford, Ashland/Jackson County; and (5) Salem/Marion Polk Counties. The circumstances and bases for the homelessness state of emergency declaration in those initial emergency areas are set forth in Executive Order 23-02, and are incorporated herein. Those circumstances and bases continue to exist.

Executive Order 23-02 stated that the Governor would reassess the necessity of the Executive Order every two months, and would retain, modify, or supplement it as circumstances warranted. Separately, county governing bodies in areas of the state not included in Executive Order 23-02 were notified that they could request to be included in the state's emergency declaration by submitting a request through the Oregon Department of Emergency Management. Counties in the Balance of State Continuum of Care requesting to be included in the emergency order would need to meet the following criteria:

1. The unsheltered population in 2022 must be greater than 30 households, and
2. The community has declared a local state of emergency related to homelessness, and
3. At least one of the following is true:
  - a. Unsheltered homelessness increased by 50% or more between 2017-2022;
  - b. The rate of unsheltered homelessness in 2022 was 80% or greater.



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Clatsop, Linn, and Malheur counties are counties in an area of the State not included in Executive Order 23-02. They have each submitted a request to be included in the emergency order, and each meets the inclusion criteria. In particular:

### **With respect to Clatsop County:**

1. On February 23, 2023, the Clatsop County Board of Commissioners declared a local state of emergency related to homelessness;
2. The number of unsheltered people in Clatsop County was 529 in 2022, which exceeds the minimum threshold of 30 households experiencing unsheltered homelessness; and
3. The share of people experiencing unsheltered homelessness in Clatsop County in 2022 was 99%, which exceeds the minimum threshold of a rate of unsheltered homelessness of 80% or greater.

### **With respect to Linn County:**

1. On March 14, 2023, the Linn County Board of Commissioners declared a local state of emergency related to homelessness.
2. The number of unsheltered people in Linn County was 137 in 2022, which exceeds the minimum threshold of 30 households experiencing unsheltered homelessness; and
3. Unsheltered homelessness increased by 104% between 2017 and 2022, which exceeds the minimum threshold of 50%.

### **With Respect to Malheur County:**

1. On March 8, 2023, the Malheur County declared a local state of emergency related to homelessness.
2. The number of unsheltered people in Malheur County was 141 in 2022, which exceeds the minimum threshold of 30 households experiencing unsheltered homelessness; and



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3. The share of people experiencing unsheltered homelessness in Malheur County in 2022 was 83%, which exceeds the minimum threshold rate of unsheltered homelessness of 80% or greater.

ORS 401.165 *et seq.* empowers the Governor to declare a state of emergency upon determining that an emergency has occurred or is imminent. Pursuant to that authority, I find that unsheltered homelessness in Clatsop County, Linn County and Malheur County has caused and is threatening to cause widespread injury to people and property, widespread human suffering, and widespread financial loss and thus constitutes an emergency under ORS 401.025(1).

To reduce homelessness and its impacts, this expansion of the declaration of emergency is necessary to rapidly expand the state's low-barrier shelter capacity, to rehouse people experiencing unsheltered homelessness, and to prevent homelessness to the greatest extent possible. This Executive Order adds Clatsop County, Linn County and Malheur County to the emergency area covered by the directives in Executive Order 23-02, which in turn directs the state's emergency management response capacity and an initial infusion of targeted funding and other resources that will meaningfully reduce the level of unsheltered homelessness in Oregon, while establishing a framework to support the continued reduction of homelessness in the long term, even after the state of emergency has ended.

**NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED THAT:**

There is a state of emergency in Clatsop County, Linn County and Malheur County due to unsheltered homelessness. I declare this emergency for Clatsop County, Linn County and Malheur County for the reasons stated above, and add these counties to the emergency areas designated in Executive Order 23-02.

1. Directive in Executive Order 23-02 to Include Clatsop County, Linn County, and Malheur County: From the effective date of this Executive Order forward, the directives in Executive Order 23-02 apply to Clatsop County, Linn County and Malheur County, and activities therein.
2. Discretion; No Right of Action. Any decision made by the Governor pursuant to this Executive Order is made at her sole discretion. This Executive Order is not intended to create, and does not create, any

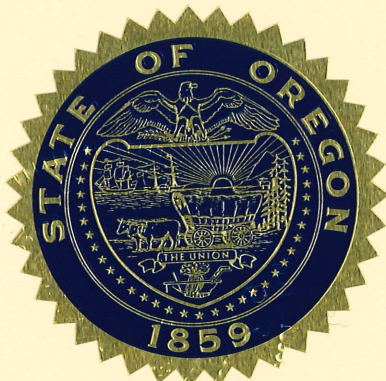


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individual right, privilege, or benefit, whether substantive or procedural, enforcement at law or in equity by any party against the State of Oregon, its agencies, departments, or any officers, employees, or agents thereof.

3. Delegation. Where this Executive Order delegates the Governor's authority to an agency, that delegation does not deprive the Governor of that authority.
4. Legal Effect. This Executive Order is issued under the authority conferred on the Governor by ORS 401.035, ORS 401.165 to 401.236, and ORS 401.525. Pursuant to ORS 401.192, this Executive Order and the actions taken pursuant to it have the full force and effect of law, and any existing laws, ordinances, rules, and orders shall be inoperative to the extent they are inconsistent with this exercise of the Governor's emergency powers.
5. Severability. If any portion of this Executive Order is held by a court of competent jurisdiction to be invalid, all remaining portions of this Executive Order shall remain in effect.
6. Duration. This Executive Order is effective immediately and shall remain in effect until January 10, 2024, unless extended or terminated earlier by the Governor. The Governor shall reassess the necessity of this Executive Order together with Executive Order 23-02 every two months and shall retain, modify, or supplement it as circumstances warrant.

Done at Salem, Oregon, this 31<sup>st</sup> day of March, 2023.



*Tina Kotek*

Tina Kotek  
GOVERNOR

ATTEST:

*Shemia Fagan*

Shemia Fagan  
SECRETARY OF STATE

## Abbreviated Notice for Section 1331 Basic Health Program Blueprint

### OREGON HEALTH AUTHORITY

#### ABBREVIATED PUBLIC NOTICE REQUEST FOR COMMENTS AND NOTICE OF PUBLIC HEARINGS ON PROPOSED SECTION 1331 BASIC HEALTH PROGRAM BLUEPRINT

This abbreviated public notice provides information of public interest regarding a proposed section 1331 Basic Health Program Blueprint to the federal Centers for Medicare & Medicaid Services (CMS). OHA is seeking this Blueprint approval to implement key provisions necessary for the unwinding of the federal Public Health Emergency (PHE).

The Section 1331 Basic Health Program Blueprint will provide comprehensive, no-cost coverage to adults in Oregon with income from 138-200 percent of the federal poverty level (FPL). This program is set to begin implementation no later than July 2024. Proposed requests are subject to approval by CMS.

A copy of the proposed Section 1331 Basic Health Program Blueprint and initial notice of public interest, both posted on May 1, 2023, is available on the OHA website at <https://www.oregon.gov/oha/PHE/Pages/phe-maintain-coverage.aspx>

The proposal is posted on the OHA website at:  
<https://www.oregon.gov/oha/PHE/Pages/phe-maintain-coverage.aspx>

#### **PUBLIC REVIEW AND COMMENTS**

The public is invited to give written and verbal comments on the draft Section 1331 BHP Blueprint application from May 1, 2023 through June 9, 2023. The deadline for comment is June 9, 2023 11:59PM, Pacific Time. The public may provide verbal or written comments. All public comments received by OHA will be posted at <https://www.oregon.gov/oha/PHE/Pages/phe-maintain-coverage.aspx>

Beginning May 1, 2023, written comments can be emailed to [katie.waldo@oha.oregon.gov](mailto:katie.waldo@oha.oregon.gov) or sent via physical mail to:

Health Policy and Analytics Bridge Program Team  
Attn: Joanna Yan  
421 SW Oak St Suite 875  
Portland, OR 97204

## Abbreviated Notice for Section 1331 Basic Health Program Blueprint

Members of the public may provide verbal comment at any of the following public hearings:

### Section 1331 BHP Blueprint Public Hearing

May 9, 2023 | 1:00 p.m. – 2:00 p.m.

Join Microsoft Teams meeting; click [here](#) to join the meeting

#### Or call in (audio only)

[+1 971-277-2343, 10447080#](tel:+1971277234310447080)

Meeting ID: 283 684 886 296

Passcode: jEs3He

If you need help or accommodations, please contact Nikki Olson at 971-304-9226 or [nikki.olson@oha.oregon.gov](mailto:nikki.olson@oha.oregon.gov) at least 48 hours before the meeting.

### Medicaid Advisory Committee

May 31, 2023 | 9 a.m. – 12 p.m.

Join ZoomGov Meeting

<https://www.zoomgov.com/j/1607869858?pwd=UkE1NGFVT2dna21IT29FQzlkE1Sdz09>

Meeting ID: 160 786 9858 Passcode: 151314

Dial by your location

+1 669 254 5252 US (San Jose)

+1 646 828 7666 US (New York)

Meeting ID: 160 786 9858

If you need help or accommodations, please contact Sarah Wetherson at 503-793-1920 or [Sarah.E.Wetherson@dhs.oha.state.or.us](mailto:Sarah.E.Wetherson@dhs.oha.state.or.us) at least 48 hours before the meeting.

Everyone has a right to know about and use Oregon Health Authority (OHA) programs and services. OHA provides free help. Some examples of the free help OHA can provide are:

- Sign language and spoken language interpreters
- Written materials in other languages
- Braille
- Large print
- Audio and other formats

You can get this document in other languages, large print, braille or a format you prefer. Contact the Community Partner Outreach Program at [community.outreach@dhs.oha.state.or.us](mailto:community.outreach@dhs.oha.state.or.us) or by calling 1-833-647-3678. We accept all relay calls or you can dial 711.



# PUBLIC NOTICE

Date posted: 05/01/2023

## DEQ Requests Comments on Proposed Conditional No Further Action at McBride Slough

### HOW TO PROVIDE PUBLIC COMMENT

**Facility/property:** McBride Slough

**Project location:** 8000 block, NE Alderwood Rd.  
Portland

**Comments due by:** May 31, 2023 at 5 p.m.

#### Submit written comments:

**By mail:** Send comments to DEQ Project Manager Sarah Miller at 700 NE Multnomah St. Suite 600, Portland OR, 97232

**By email:** [sarah.miller@deq.oregon.gov](mailto:sarah.miller@deq.oregon.gov)

**Proposal highlights:** The Oregon Department of Environmental Quality proposes to issue a conditional No Further Action at McBride Slough.

**Background:** McBride Slough originates near the southeast corner of Portland International Airport and drains to the main stem of the Columbia Slough east of Alderwood Road. Elevated concentrations of polychlorinated biphenyls (PCBs), polyaromatic hydrocarbons (PAHs), metals and pesticides were detected in the sediment. The majority of this contamination likely resulted from historical stormwater runoff from the airport, which makes up most of the drainage basin to the McBride Slough. DEQ approved emergency dredging by the Multnomah County Drainage District for flood control in 2011 with the understanding that the Port of Portland (the Port) would conduct follow-up evaluation and cleanup of side-cast dredge material and residual sediment contamination.

In 2016, the Port agreed to perform remedial actions to address contaminated sediments in accordance with the Consent Judgement and cleanup plan, officially called the Record of Decision, which DEQ issued in July 2015.

Between 2018 and 2020 the Port performed the following actions in McBride Slough: dredging approximately two to five feet of contaminated sediment, removing previously stockpiled dredge material and placing a six-inch amended cap to treat residual sediment contamination. Bank repair occurred as needed. In December 2021, DEQ issued a Certification of Completion to the Port for work described above. Since that time, the Port has demonstrated upland sources are substantively controlled. Ongoing maintenance and long-term monitoring are required to ensure the cap remains in place and that upland source control continues. Long-term monitoring will occur to confirm whether the remedy continues to be protective of human health and the environment. The next monitoring event is scheduled for 2025.

#### Translation or other formats

[Español](#) | [한국어](#) | [繁體中文](#) | [Русский](#) | [Tiếng Việt](#) | [العربية](#)

800-452-4011 | TTY: 711 | [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us)

**For more information:** Visit DEQ's Environmental Cleanup Site Information database at <https://ordeq.org/ecsi-5676>

If you do not have web access and want to review the project file, contact the DEQ project manager at 503-229-5040.

Environmental Cleanup Site Information ID: 5676

**The next step:** DEQ will consider all public comments received by the date and time stated above before making a final decision regarding the completion of remedial actions and issuance of the conditional No Further Action.

#### **Non-discrimination statement**

DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities. Visit DEQ's [Civil Rights and Environmental Justice page](#).





# PUBLIC NOTICE

Date posted: 5/1/2023

## DEQ Requests Comments on Proposed Prospective Purchaser Agreement

### HOW TO PROVIDE PUBLIC COMMENT

**Facility/property:** Golden Bear Ventures, LLC

**Project location:** 1825 NE Argyle St., Portland

**Comments due by:** Wednesday, May 31, 2023  
at 5 p.m

**Submit written comments:**

**By mail:** Send comments to Sarah Miller, Oregon DEQ,  
700 NE Multnomah St. Suite #600, Portland, OR 97232

**By email:** [sarah.miller@deq.oregon.gov](mailto:sarah.miller@deq.oregon.gov)

**Proposal highlights:** The Department of Environmental Quality seeks comments on its proposed consent order for a prospective purchaser agreement with Golden Bear Ventures, LLC concerning its acquisition of real property located at 1825 NE Argyle St., Portland, herein referred to as the property. The property proposed for acquisition is an approximately 4.1-acre site consisting of tax lot #1N1E11D 400.

**Background:** By 1967, a tire recapping facility was constructed and operated on the property. Prior to that, the property was used for agricultural production. In 1972 a building addition was constructed on site to expand the facility. In 1975, the site was connected to the municipal sanitary sewer system. Stormwater and interior floor drains discharged to the Columbia Slough (ECSI#1283). The interior floor drains were capped at an unknown date. The tire facility operated on site for approximately 50 years.

Under the proposed scope of work Golden Bear Ventures, LLC will:

- Prepare and implement a Source Control Evaluation Workplan for discharges to the Columbia Slough. Based on results, appropriate source control measures will be implemented and a Source Control Report will be prepared for DEQ's review and approval.
- Prepare a Columbia Slough sediment investigation work plan within the vicinity of the property for DEQ's review and approval. Golden Bear Ventures will also perform the sediment investigation and prepare a final summary report for DEQ's review and approval.

DEQ created the Prospective Purchaser Agreement program in 1995 through amendments to the state's Environmental Cleanup Law. The prospective purchaser agreement is a tool that expedites the cleanup of contaminated property and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing a contaminated site.

#### Translation or other formats

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800-452-4011 | TTY: 711 | [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us)

The proposed consent order will provide Golden Bear Ventures, LLC with a release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.640, and 468B.310 regarding existing hazardous substance releases at or from the property. The proposed consent order will also provide Golden Bear Ventures, LLC with third party liability protection.

**For more information:** Visit DEQ's Environmental Cleanup Site Information database at [ordeq.org/GoldenBearVenturesLLC](http://ordeq.org/GoldenBearVenturesLLC)

If you do not have web access and want to review the project file, contact Sarah Miller at 503-229-5040 or [sarah.miller@deq.oregon.gov](mailto:sarah.miller@deq.oregon.gov) to view the documents in person at a DEQ office.

Environmental Cleanup Site Information (ECSI) ID: 6544

**The next step: DEQ will consider all public comments received by the date and time stated above before making a final decision regarding the proposed remedial actions taken at the site**

#### **Non-discrimination statement**

DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities. Visit DEQ's [Civil Rights and Environmental Justice page](#).