

**MINUTE ITEM
71**

10/01/02
W 30144
P. Griggs

**CALIFORNIA STATE LANDS COMMISSION
(PARTY)**

Regular Calendar Item 71: Commissioners considered the adoption of an amended Environmental Justice Policy. The item was approved as presented.

CALENDAR ITEM

71

- A) Statewide
- S)

10/01/02
W 30144
D. Sanders
P. Griggs

CONSIDER THE ADOPTION OF AN AMENDED ENVIRONMENTAL JUSTICE POLICY

PARTY:

California State Lands Commission

BACKGROUND:

Environmental Justice is defined under State law as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” At its April 9, 2002, meeting, the Commission adopted an Environmental Justice Policy (Policy) Statement to ensure the integration of such considerations into the staff’s evaluations and the Commission’s actions.

The Commission directed staff to increase public awareness of the Policy and to invite the public and public interest groups to review and comment. Staff was to revise the Policy, as necessary, and bring it back to the Commission for reconsideration.

Staff solicited the public’s review of the Policy by placing it on the Commission’s web site with an open invitation to comment and the means to send staff comments by email via the web site. People were also encouraged to contact staff by telephone or to provide written comments. Staff also researched and identified fifty-one (51) organizations throughout California that included Environmental Justice as a primary interest, goal, or policy of their organization. Each of these organizations received the Policy and background information on the Commission’s responsibilities and programs. In addition, the Policy was circulated to the Commission’s staff to determine, from an operational viewpoint, how the Policy could be improved.

To date, five public interest groups and numerous Commission staff have commented. These comments were considered in the drafting of the amended Policy that is attached hereto as Exhibit A.

CALENDAR ITEM NO. 71 (CONT'D)

In the interim, staff has participated in Environmental Justice training conducted by the Governor's Office of Planning and Research (OPR). Staff also attended numerous meetings of OPR's Environmental Justice Steering Committee to become more aware of Environmental Justice issues and concerns and to benefit from the experiences of other State agencies that have developed or are developing their own Environmental Justice policies and procedures.

Since the Commission's adoption of the Policy, it has become an integral part of its environmental review process under the California Environmental Quality Act (CEQA). For example, staff requires environmental consultants bidding on the preparation of environmental documents to include a specific analysis of Environmental Justice in light of the project proposed. These analyses will provide sufficient information for the Commission, during its decision-making process, to clearly understand Environmental Justice issues that are associated with its consideration of specific projects.

The attached Policy responds to Californians who voice concerns that their well being has been overlooked in past deliberations of public agencies because of ethnicity or income level.

EXHIBIT

- A. Amended Environmental Justice Policy Statement

RECOMMENDATIONS

IT IS RECOMMENDED THAT THE COMMISSION:

1. ADOPT THE AMENDED ENVIRONMENTAL JUSTICE POLICY STATEMENT ATTACHED HERETO AS EXHIBIT A.
2. DIRECT STAFF TO DO ALL THAT IS NECESSARY TO IMPLEMENT THIS POLICY.

Exhibit A

Amended Environmental Justice Policy Statement California State Lands Commission

Mission Statement: *The California State Lands Commission serves the people of California by providing stewardship of the lands, waterways, and resources entrusted to its care through economic development, protection, preservation, and restoration.*

Commission Jurisdiction/Programs

The California State Lands Commission (Commission) holds title to and manages four million acres of tide and submerged land underlying the State's navigable and tidal waterways. These lands are held under and governed by the provisions of the Public Trust Doctrine for specific public purposes such as fishing, water dependent commerce, navigation, ecological preservation, and scientific study, among others. The Public Trust Doctrine governs the management of such lands held by the State, or its delegated trustees, for the benefit of all of the people.

The Commission also holds title to and manages about 570,000 acres of State School Lands. The school lands are held in trust for the betterment of the common schools of the State and the revenue, by statute, goes to support the State Teachers Retirement System. The school lands must be administered for the benefit of the public.

The Commission grants leases and permits on State lands for such purposes as, but not limited to, marinas, industrial wharves, tanker anchorages, timber harvesting, dredging, grazing, mining, oil and gas, and geothermal development. The Commission has regulatory authority over all marine oil facilities and terminals in the State.

The Commission also administers programs to remove hazardous artificial structures from waterways that pose a risk to public health and safety and participates in projects and programs to preserve, enhance, and restore natural resources.

In the performance of its duties, the Commission frequently makes land use and permitting decisions, produces regulations, and takes other discretionary actions that may have an impact on the environment and human health.

Environmental Justice Policy

The Commission pledges to continue and enhance its processes, decisions, and programs with environmental justice as an essential consideration. Environmental justice is defined by State law as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement

of environmental laws, regulations, and policies.” This definition is consistent with the Public Trust Doctrine principle that the management of trust lands is for the benefit of all of the people.

The Commission stresses fair treatment of all members of the public in its everyday activities, processes, decision-making, and regulatory affairs. The Commission has earned a reputation for unbiased and balanced decisions concerning uses of public lands and resources. The Commission reaffirms its commitment to an informed and open process in which all people are treated equitably and with dignity and in which its decisions are tempered by environmental justice considerations. The Commission will communicate this policy to the cities, counties, and harbor districts that manage lands granted to them by the Legislature and for which the Commission retains oversight.

The Commission pledges to continue and enhance its processes, decisions, and programs with environmental justice as an essential consideration by:

1. Identifying relevant populations that might be adversely affected by Commission programs or by projects submitted by outside parties for its consideration.
2. Seeking out community groups and leaders to encourage communication and collaboration with the Commission and its staff.
3. Distributing public information as broadly as possible and in multiple languages, as needed, to encourage participation in the Commission’s public processes.
4. Incorporating consultations with affected community groups and leaders while preparing environmental analyses of projects submitted to the Commission for its consideration.
5. Ensuring that public documents and notices relating to human health or environmental issues are concise, understandable, and readily accessible to the public, in multiple languages, as needed.
6. Holding public meetings, public hearings, and public workshops at times and in locations that encourage meaningful public involvement by members of the affected communities.
7. Educating present and future generations in all walks of life about public access to lands and resources managed by the Commission.
8. Ensuring that a range of reasonable alternatives is identified when siting facilities that may adversely affect relevant populations and identifying, for the Commission’s consideration, those that would minimize or eliminate environmental impacts affecting such populations.

9. Working in conjunction with federal, state, regional, and local agencies to ensure consideration of disproportionate impacts on relevant populations, by instant or cumulative environmental pollution or degradation.
10. Fostering research and data collection to better define cumulative sources of pollution, exposures, risks, and impacts.
11. Providing appropriate training on environmental justice issues to staff and the Commission so that recognition and consideration of such issues are incorporated into its daily activities.
12. Reporting periodically to the Commission on how environmental justice is a part of the programs, processes, and activities conducted by the Commission and proposing modifications as necessary.

This policy shall be reviewed annually by staff to evaluate its effectiveness in achieving environmental justice in the Commission's management of the lands and resources within its jurisdiction.