

**STAFF REPORT  
INFORMATIONAL  
103**

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**INFORMATIONAL REPORT ON EFFORTS TO OVERHAUL THE COMMISSION'S  
ENVIRONMENTAL JUSTICE POLICY**

**INTRODUCTION:**

The purpose of this staff report is to provide an update about efforts to overhaul the Commission's Environmental Justice Policy and to elicit feedback from the environmental justice community, Native American Tribes, and others about the policy and its implementation.

**BACKGROUND:**

The Commission protects the lands and resources entrusted to its care through balanced management, marine protection and pollution prevention, adaptation to climate change, and ensuring public access to lands and waters for current and future generations.

Established in 1938, the Commission manages 4 million acres of tide and submerged lands and the beds of navigable rivers, streams, lakes, bays, estuaries, inlets, and straits. These lands, often referred to as sovereign or Public Trust lands, stretch from the Klamath River and Goose Lake in the north to the Tijuana Estuary in the south, and from the Pacific Coast 3 miles offshore in the west to world-famous Lake Tahoe and the Colorado River in the east, and includes California's two longest rivers, the Sacramento and San Joaquin. The Commission also manages about 458,000 acres of school lands held in fee ownership and the reserved mineral interests on about 790,000 acres where the surface land was sold. These lands are predominantly in the deserts in the southeast and the forested areas of the northeast portions of California.

The Commission also protects state waters from marine invasive species introductions and prevents oil spills by providing the best achievable protection of the marine environment at marine oil terminals and offshore oil platforms and production facilities. And the Commission monitors sovereign land, typically waterfront land and coastal waters that the California Legislature granted in trust to about 70 local jurisdictions.

The Commission protects and enhances these lands and natural resources by issuing leases for use, preservation or development, providing and protecting

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public access, resolving boundaries between public and private lands, and implementing regulatory programs to protect state waters from oil spills and invasive species introductions. Through its actions, the Commission secures and safeguards the public's access rights to navigable waterways and the coastline and preserves irreplaceable natural habitats for wildlife, vegetation, and biological communities.

The Commission is organized into divisions that include Land Management, External Affairs, Environmental Planning and Management, Mineral Resources Management, Marine Environmental Protection, Legal, and Administrative Services. Although each division has its tasks, the work is often collaborative and interdivisional. Examples include sea-level rise planning and adaptation, abandoned mine remediation, abandoned vessel removal, the Bolsa Chica Lowlands Restoration Project, coastal hazards and legacy well removal and cleanup, granted Public Trust lands oversight, the low-energy offshore geophysical permit program, marine invasive species prevention, marine oil terminal engineering and maintenance standards, oil spill prevention, and renewable and geothermal energy leasing.

### **WORKPLAN OVERVIEW:**

For over a year, staff has outreached to environmental justice advocates and communities, with the goal of understanding what it means to be a marginalized or disadvantaged community. Also with the goal of understanding the issues these communities face when it comes to the public lands and resources the Commission manages and to ensure that its land and resource management decisions do not increase vulnerabilities and burdens.

To be effective, staff must understand what environmental justice and social equity mean and the issues that matter to marginalized and disadvantaged communities. Staff is trying to do just that, working to forge relationships with community leaders to develop trust and let them know their voices are heard. The Commission's team has met and spoken with dozens of environmental justice and equity organizations, local agencies, and the public. These conversations and meetings have helped staff understand the array of issues people are struggling with, how they differ from region to region, and how the Commission's programs, duties, mission, and vision are connected to statewide and geographically specific environmental justice and social equity goals. These issues include environmental pollution, heavy industrial uses near residential neighborhoods, high cancer and autoimmune disease levels, lack of park access (park-poor communities), poor air quality, illegal dumping, lack of affordable recreational access, access to clean drinking water, water quality, and many others.

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This outreach has broadened staff's awareness and cultivated compassion. It is profoundly affecting to learn about and see the immense and sometimes heartbreaking struggles many people in California experience. The improved understanding inspires and spurs staff to develop a comprehensive, meaningful policy and implementation plan that creates a framework for incorporating environmental justice and social equity considerations in the Commission's everyday work.

To further help develop the policy and successfully incorporate environmental justice and equity principles into the Commission's work, staff reviewed environmental justice policies and implementation plans at the California Natural Resources Agency, California Environmental Protection Agency, State Water Quality Control Board, and California Air Resources Board. And staff is collaborating with entities undergoing a concurrent process of incorporating environmental justice and equity considerations in their work, including the California Coastal Commission, the San Francisco Bay Conservation and Development Commission, and the Governor's Office of Planning and Research.

Staff recently shared a discussion draft policy with eight environmental justice organizations that are assisting the Commission in providing feedback on draft principles and implementation strategies, including, Azul, Central Coast Alliance for a Sustainable Economy, Communities for a Better Environment, Center on Race, Poverty & the Environment, East Yard Communities for Environmental Justice, Leadership Counsel for Justice & Accountability, and Sacred Places Institute. The next step is to incorporate their input into the draft, circulate the draft internally to all staff to elicit feedback, engagement, and discussion, and then circulate it to the public, starting with a burgeoning environmental justice contact list that staff developed. The draft will also be on the Commission's website and shared through social media.

### **KEY TASKS:**

Staff has established leads and co-leads for key workplan tasks, with targeted teams centered on outreach, policy development, and implementation. The entire internal team meets weekly.

#### Outreach

Staff has conducted significant outreach. Now that staff has developed specific discussion draft policy language; staff plans to increase its outreach efforts. Outreach will include, but will not be limited to, using a dedicated email address for receiving and organizing comments, soliciting public input through webinars, and arranging community roundtables in Sacramento, Hercules, and Long Beach (using Commission office space) with remote access using Skype or another video conferencing tool. Staff will concurrently continue outreaching throughout

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the state, meeting with residents and advocates and reaching out to environmental justice organizations that work to effect change.

Staff will ask the environmental justice focus group to share information about the Commission's development of a new policy with their communities. Staff will ask them to circulate information to their networks and encourage people to communicate with staff and the Commissioners about projects under Commission review that affect them, attend the roundtable discussions and community engagement meetings, and share ideas for public engagement in their communities.

Staff intends to provide translation services for webinars and roundtable discussions and translate the draft policy and implementation plan into Spanish. They will be available on the Commission's website and will be tweeted and emailed (in Spanish and English) to the Commission's contact list. The information will be translated into other languages if requested and as financial resources allow.

In overhauling its environmental justice policy, staff recognizes that Native Nations were, in many respects, California's original victims of environmental injustice. California's Tribes and tribal communities experience many of the same environmental justice issues as marginalized and disadvantaged communities, plus many that are unique to Tribes' history, traditional practices, and resource use—largely as a result of projects and development patterns that have disproportionately impacted Tribal communities by displacing them from their lands and preventing access to areas used for resource gathering or ceremony. Staff intends to include the commonalities and distinctions between tribal communities and non-tribal communities that may experience disproportionate impacts from proposals subject to Commission consideration in the draft environmental justice policy to ensure it, together with the Commission's Tribal Consultation Policy, addresses environmental justice concerns impacting Native American Tribes. As a first step, we have begun engaging Tribal Leadership and tribal communities at large, with an invitation to share their unique perspectives and participate in the environmental justice policy update process.

### Policy Development

The policy development component involves ensuring that public input and comments are reflected and incorporated into the environmental justice policy. It also involves preparing a staff report and resolution for the Commission to consider when it adopts the final policy and responding to public comments and suggestions.

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After staff receives feedback, a revised draft policy will be recirculated and presented to the Commission as an informational, no-vote item at its June 21, 2018, public meeting in northern California and at its August 23, 2018, public meeting in southern California. This will allow for additional public comment and Commission direction to staff on policy development. Staff will continue to welcome comments and conduct outreach in ensuing months, including comments made at Commission meetings. The capstone will be presenting the final environmental justice policy and implementation plan to the Commission at its October or December 2018 public meeting.

### Implementation

As part of the policy development, staff is creating an implementation plan to incorporate the policy principles and objectives into staff's everyday work. Staff is taking time to self-reflect, be innovative when it comes to developing staff capacity, and is working with other agencies to provide current and new staff with environmental justice training. Staff is also developing a workload analysis and proposal for authority to hire an environmental justice liaison

### **GOVERNMENT ALLIANCE ON RACE AND EQUITY:**

This year, staff is participating in the Government Alliance on Race and Equity (GARE), a national network of governments working to achieve racial equity and advance opportunities for all. GARE, in partnership with the California Health in All Policies Task Force, is piloting a year-long Governing for Racial Equity Initiative to help state government departments, offices, boards, and commissions take a systemic approach to advancing racial equity. The Commission's participation in GARE is a logical extension of its focus on creating a strong, implementable environmental justice policy.

GARE cohorts are teams of government staff that work together to change the norm of what is expected and possible from government. Cohorts participate in a structured curriculum focused on strategies to normalize conversations about race, operationalize new policies and institutional culture change, and organize to achieve racial equity. The curriculum is based on the experiences of early adopters, including the City of Seattle, who have helped to pilot, test, and refine the curriculum and tools necessary to advance racial equity. Building on this field of practice over the last decade, GARE has worked to transform governments across the United States into more effective and inclusive democracies.

In collaboration with the GARE cohort, staff is exploring where environmental justice and equity intersect, which could include workforce development, contracting, hiring practices, and internal communication and training among staff about race and social equity.

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**CONCLUSION:**

Staff is humbled and appreciative of the opportunity to develop an environmental justice policy and implementation plan for the Commission. Environmental justice organizations, Native American Tribes, and the public are pleased to hear that the Commission is doing this important work and want to be involved. Sometimes the issues identified and suggestions for ways to help are beyond the Commission's authority—and it is important that staff not give false impressions. While balancing the Commission's authority with the issues and priorities of traditionally marginalized and disadvantaged communities is challenging, there are often ways, especially with creative thinking and will power, be a catalyst for bettering the lives of these communities.