

**STAFF REPORT
INFORMATIONAL**

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

Staff started working on an overhaul of the Commission's environmental justice policy about a year and a half ago. In the ensuing time, staff has conducted outreach throughout the state, convened community roundtables, and connected with disadvantaged and marginalized communities. In May 2018, staff released a draft Environmental Justice Policy for public comment. After receiving input from environmental justice community groups and other subject matter experts, a revised draft policy was recirculated in August 2018 with a 30-day comment period. In December 2018, staff will present a final environmental justice policy and implementation outline to the Commission for its consideration. Staff will circulate this final policy in November.

Early on, staff recognized that drafting an effective policy required connecting with environmental justice communities, identifying priority concerns, and seeking opportunities to advance equitable decision-making. This was done by conducting targeted outreach to environmental justice organizations, local governments, health and planning departments, as well as convening community roundtables and collaborating with environmental justice organizations. This outreach has broadened staff's awareness, cultivated compassion, and helped build relationships based on trust. Actively listening to the immense and sometimes heartbreaking struggles many people in California experience inspired staff to develop a bold, meaningful policy and implementation outline that creates the architecture for incorporating environmental justice and social equity considerations in the Commission's everyday work.

Staff is carefully reflecting on the feedback received during community outreach and determining what feedback is most appropriate for the policy or for the implementation plan. A reoccurring theme voiced at each outreach session was for staff to push the boundaries in terms of what the Commission can do to champion environmental justice within its jurisdiction. With the incorporated feedback, staff will produce a third and final draft by early to mid-November. Staff is looking forward to presenting a robust and meaningful final policy and implementation outline to the Commission in December 2018.

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Long Beach Environmental Justice Roundtable

In October 2018, the Commission and East Yard Communities for Environmental Justice hosted a community roundtable in Long Beach. During the roundtable, the attendees—approximately 100 residents and a diverse mix of stakeholders—spoke in small groups with staff about their concerns, asked questions, and engaged in an earnest, productive dialogue.

Staff truly appreciated and enjoyed connecting with the community. It was both humbling and motivating to hear directly about peoples' concerns and struggles and hear suggestions for ways the Commission can help. A few of the common themes that emerged included the following: real equity is paramount; spending time in environmental justice communities, for Commissioners and staff alike, is critically important; staff reports for Commission meetings should have an environmental justice analysis; the Commission's policy should support cleaner industry; equitable public access should be prioritized; the definitions in the draft policy should be clarified (equity, disadvantaged, and marginalized); tribal consultation and honoring tribal lands should be prioritized; and, accountability is essential.

Attendees suggested several other important Commission considerations, which include the following: set-up an equity fund for job training, conservation projects, and community projects benefiting residents; prioritize environmental justice in Commission meetings; increase Commission visibility and bolster its social media presence; conduct regular statewide community outreach and engagement with food and transportation provided; and, consider public health in the leasing decision-making process. Attendees were also interested in learning more about the Commission's role related to the Port of Long Beach, and to what extent it is involved in the Port's master plan. There is much more feedback from this roundtable, which is outlined in Exhibit D.

Contra Costa Environmental Justice Roundtable

In August 2018, the Commission hosted a community roundtable in Contra Costa county. This roundtable was especially poignant because many people in this county live or work in a heavily industrialized landscape. Air quality concerns, clean water, enforcement, oil production, pollution impacts associated with refineries, assessing cumulative impacts, and waterfront redevelopment were among the many compelling issues discussed. There was also discussion about the Selby Slag site, an approximately 66-acre Superfund site in Contra Costa county near Rodeo, California. The Commission is jointly responsible for the environmental cleanup at this site. Other attendees recounted how they discovered polluted water and their efforts to find a government entity to address this human health concern was in vain. The full scope of comments from the roundtable are outlined in Exhibit C.

Oakland Environmental Justice Roundtable

In June 2018, the Commission, California Coastal Commission, and San Francisco Bay Development and Conservation Commission co-hosted a well-attended community roundtable in Oakland with environmental justice advocates, government staff, labor representatives, concerned residents, environmental groups, staff from the State Attorney General's Office, and others. Several central themes emerged during the group discussions. A few of these themes included the following: frequent statewide agency outreach to combat the sense of distrust among many communities; arrange meetings in spaces that are welcoming to minorities and migrant communities; schedule meetings at times that are convenient after-work hours; and, listen and collaborate with environmental justice communities.

Public access is highly valued, but there are subtle impediments to public access that foster unequal access. A security presence, for example, is often a deterrent to low-income communities and communities of color. Language access is important. Providing translation services, interpretation services, and making meetings accessible builds trust and fosters genuine relationships with environmental justice communities. Other important elements include building environmental justice and social equity into the Commission's culture and being accountable for fulfilling the commitments in the environmental justice policy. The strength of the policy is only as good as its implementation. The full scope of comments from the roundtable are outlined in Exhibit D.

Environmental Justice Working Group

A group of eight environmental justice organizations is advising the Commission about environmental justice. At the June 2018 Commission meeting, the group presented recommendations for ensuring a more inclusive and transparent decision-making process, for community engagement, and for more equitable decisions that benefit California Native American Tribes and disadvantaged and vulnerable communities. The group also presented their priorities for integrating environmental justice into key Commission programs and issues.

The working group urges the Commission to take the necessary steps to prevent pollution, mitigate and minimize negative impacts, and embrace ways to benefit environmental justice communities. They point out that these changes require a shift in the way the Commission works with environmental justice communities. This shift begins with more inclusive and transparent decision-making processes. They note that through the development of an environmental justice policy and implementation plan—that includes robust public engagement and staff training on environmental justice issues and methodologies for conducting environmental justice analyses—the Commission can improve its approach. The working group recommendations are

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intended to move the Commission toward meaningful solutions that will benefit environmental justice communities throughout California.

The working group's proposed principles for the Commission are summarized below:

1. Acknowledge ancestral homelands of California Native American Tribes, especially those that are currently landless in California.
2. Practice inclusion of environmental justice communities' diverse cultural perspectives in its processes and decisions.
3. Protect environmental justice communities by preventing pollution on state lands;
4. Promote equity in land use and investment decisions in ways that benefit disadvantaged communities.
5. Prepare and advance a vision for California to be fossil-fuel free and to ensure the state's diverse population can participate in and benefit from a just transition to a renewable energy future, and a clean and healthy economy.

The working group elaborates on three issues, pointing out that they are of great consequence for environmental justice communities and California Native American Tribes and deserve elaboration: They write:

California Native American Tribes and Indigenous Peoples. Honor the relationship of indigenous peoples to lands under SLC jurisdiction. Engage in government-to-government consultation with Tribes as noted in SLC's Tribal Policy. Support land returns and tribal management and/or co-management of restored lands as part of a just transition.

Oil and Gas Operations. Prevent harm from oil and gas operations in environmental justice communities. Champion efforts to transition California off fossil fuels by supporting and accelerating the decommissioning of oil and gas facilities and promoting the development of renewable energy projects that benefit disadvantaged communities. For example, prevent new offshore oil drilling, new coastal power plants, and the expansion and renewal of oil refineries, terminals and pipelines in areas under the Commission's jurisdiction; support decommissioning of oil and gas facilities, support cleanups to be paid for by facility owners; and work with California Native American Tribes, local environmental justice communities, and local governments to discuss a just transition process.

Ports and Transportation. Exercise Commission power to require mitigation of impacts on disadvantaged communities from commercial activities on public trust lands, even if not adjacent to the coast; guide local governments to do the same. Promote adoption of clean transportation and zero emission vehicle at ports. Play a role in the efforts

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of other state agencies to reduce pollution from the entire logistics industry.

EXHIBITS:

- A. Revised Second Discussion Draft Environmental Justice Policy, August 2018
- B. Notes from the June 19, 2018 Environmental Justice Roundtable in Oakland, California hosted by the California State Lands Commission, California Coastal Commission, and the San Francisco Bay Conservation and Development Commission
- C. Notes from the August 21, 2018 Environmental Justice Roundtable in Contra Costa County, California hosted by the California State Lands Commission
- D. Notes from the October 2, 2018 Environmental Justice Roundtable in Long Beach, California hosted by the California State Lands Commission and East Yard Communities for Environmental Justice

EXHIBIT A
California State Lands Commission
SECOND DISCUSSION Draft Environmental Justice Policy

I. Introduction

The Commission envisions a future in which all Californians have access to and enjoy the benefits of public lands and natural resources, regardless of socioeconomic status, race, religion, culture, national origin, gender, gender identity, gender expression, or sexual orientation. It also envisions a future where environmental justice communities are no longer disproportionately impacted by pollution and environmental hazards. The Commission's primary responsibility to apply the Public Trust Doctrine¹ to California lands is rooted in the principle that the public has a right to use and enjoy rivers, lakes, and the ocean for commercial and recreational navigation, fishing, swimming and other recreation. The Commission is entrusted to protect, preserve, and manage the lands and natural resources under its jurisdiction in the best interests of all Californians. The Commission commits to promoting social equity and advancing environmental justice² through more inclusive decision-making that considers the needs and concerns of all communities, but with sensitivity to disproportionate burdens on marginalized, disadvantaged, and tribal communities.

For thousands of years, Tribes and tribal communities have inhabited the lands we know as "California." The Commission recognizes the critical connection California's tribal communities have to the environment and acknowledges that the environmental injustices they have endured over generations, including the destruction of natural resources that sustained their communities and systematic displacement from their lands, give Native communities a unique perspective on environmental justice concerns. Today, California's Tribes and tribal communities experience many of the same environmental injustices as other vulnerable communities, such as impacts from pollution to air, water, soil, and other resources. Impacts experienced by indigenous communities from the loss of access to sacred resources or locations and lost opportunities to gather or grow food, to hunt and fish, or to practice traditional medicine are uniquely experienced by indigenous communities. Incorporating tribally-identified metrics and narratives, where applicable, is a critical part of an environmental justice impact analysis. Together with its Tribal Consultation Policy,³ the Commission will use this policy to amplify tribal voices in fulfilling its mission and vision.⁴

¹ <http://www.slc.ca.gov/PublicTrust/PublicAccess.html>

² California law defines environmental justice 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. See Government Code section 65040.12.

³ <http://www.slc.ca.gov/About/Docs/Tribal.pdf>

⁴ <http://www.slc.ca.gov/About/Overview.html>

Environmental justice issues and concerns intersect with much of the Commission's work. Examples include surface leasing for industrial and commercial uses, regulatory oversight of marine oil terminals, access to public lands and resources, renewable energy siting and development, preventing aquatic invasive species introduction, climate change resiliency, sea-level rise preparedness and adaptation, the oversight of granted Public Trust lands including those underlying most major ports, and waterfront redevelopment. The Commission commits to the principle that the environmental injustices of the past will not define California's future, and supports the ideal that all communities equitably share in the environmental benefits and burdens resulting from its decisions. Through training about environmental justice and social equity, increased awareness, communication, and early and frequent engagement with marginalized and disadvantaged communities, the staff analysis and recommendations will be more inclusive, transparent, and equitable.

II. Environmental Justice Vision and Objectives

1. PROMOTE EQUITY

- a. Promote the fair treatment of people of all races, cultures, national origins, genders, gender identities, gender expressions, religions, sexual orientation, and socioeconomic status concerning the development, adoption, implementation, and enforcement of laws, regulations, and policies within the Commission's jurisdiction.

2. INFORM THE PUBLIC AND TRIBES

The Commission will develop tools and strategies to better inform the public and tribal communities about:

- a. The Public Trust Doctrine - its history and why it is relevant to advancing environmental justice.
- b. The public's rights to access and enjoy Public Trust lands,⁵ including tide and submerged lands and navigable waterways; and
- c. The Commission's role:
 - i. As a trustee landowner of ungranted Public Trust lands and resources.

⁵ In coastal areas, sovereign lands include both tidelands and submerged lands, from the shore out three nautical miles into the Pacific Ocean and lands that have been filled and are no longer underwater. Tidelands lie between mean high tide and mean low tide. The beds of navigable lakes and rivers are also sovereign lands subject to the Public Trust. <http://www.slc.ca.gov/PublicTrust/PublicAccess.html>

- ii. As it relates to the oversight of lands and resources that the Legislature granted to local jurisdictions.
- iii. Generating income for the California State Teachers' Retirement System through the management of school lands.
- iv. As a regulator in the prevention of oil spills and marine invasive species.

3. INCREASE AND ENCOURAGE EQUITABLE PUBLIC ACCESS.

Preserve, protect, and expand public access to Public Trust lands and resources by supporting, facilitating and encouraging projects that increase public access to these lands and resources for disadvantaged, marginalized, and vulnerable communities that have traditionally not been able to enjoy them.

- a. Embrace partnerships with state agencies, Tribes, local jurisdictions, and organizations for projects and other efforts which:
 - i. Protect, conserve and restore natural resources, cultural resources, and wildlife habitat.
 - ii. Increase and enhance trail and recreational amenity construction, habitat restoration, open space parks, and beach access.

4. INCREASE COMMISSION AWARENESS

- a. Be more informed about how and to what extent Commission decisions impact tribal communities and communities that are marginalized, disadvantaged, or vulnerable.
- b. Identify impacted and vulnerable communities that live, work, and recreate near a proposed project site.
- c. Engage in early and effective outreach and collaborate with affected communities and Tribes beginning at the application submittal and throughout the application/project review process.

5. ANALYZE IMPACTS/IDENTIFY BENEFITS

- a. Assess and analyze information gained from environmental justice research and outreach to evaluate how environmental justice communities might be impacted by a proposed Commission action. Where applicable, analyze climate justice and climate resiliency and adaptation for disadvantaged communities.
- b. Identify and analyze potential benefits that may accrue to disadvantaged communities from changes to project proposals and create greater equity in the distribution of environmental benefits and burdens resulting from the Commission's decisions.

6. HONOR THE IMPORTANCE OF TRIBES' ANCESTRAL HOMELANDS

- a. Acknowledge, uplift, and respect the voices of California Native American Tribes and tribal communities in managing lands and resources that include their ancestral homelands. Seek out and learn from indigenous peoples' unique historical, cultural, and ecological knowledge of California's lands and resources.
- b. Understand the importance of Ancestral Homelands:
 - i. Respect and apply principles and practices of government-to-government consultation between California Native American Tribes and the State.
 - ii. Support opportunities to advance traditional use and enjoyment of ancestral lands by tribal communities by facilitating and prioritizing access to and use of state-owned lands by tribes with historical connections to the land.
 - iii. Protect cultural resources and preserve sacred and culturally significant sites whenever possible.
 - iv. Actively support opportunities to empower Tribes to protect, restore, and manage their ancestral lands.

7. BUILD TRUST AND FORM RELATIONSHIPS

- a. Leverage partnerships with public agencies, non-governmental organizations, ports and Tribal governments to advance environmental justice and achieve better outcomes for impacted communities.
- b. Forge cooperative relationships with local communities, tribal communities, and environmental justice groups.
- c. Support and encourage efforts by trustee ports to minimize and reduce environmental and health impacts and maximize environmental and economic benefits to vulnerable communities from industrial activities within the port.

8. SUPPORT CLEANER INDUSTRY

The California Global Warming Solutions Act of 2006 (AB 32) limits greenhouse gas emissions, reduces fossil fuel dependency, and encourages clean energy. To help achieve these goals, the Commission is generally supportive of efforts to:

- a. Transition California away from fossil fuels through the timely and responsible decommissioning of oil and gas facilities.
- b. Promote the use of State lands and resources to facilitate the development and growth of renewable and clean energy production.
- c. Work with regulatory agencies, industry, and lessees to prioritize energy efficiency and clean energy, with the goal of achieving near zero emissions.

9. INCREASE PUBLIC PARTICIPATION

- a. Increase and expand outreach efforts to communities that are impacted by Commission actions.
- b. Increase transparency by ensuring that materials related to a proposed Commission action use plain language and are available, where appropriate, in the languages that are most prevalent in the impacted communities.

- c. Engage vulnerable and impacted communities throughout the decision-making process on projects that affect them.
- d. Hold outreach meetings, public hearings, and Commission meetings in locations that are accessible to communities impacted by the decisions the Commission may make at those meetings.
- e. Leverage technology to increase public access and opportunities for participation in the Commission's deliberative process.

10. REDUCE IMPACTS/INCREASE BENEFITS

- a. Strive to minimize additional burdens and increase benefits to marginalized and disadvantaged communities through careful consideration of the equitable distribution of benefits and burdens on vulnerable communities resulting from a proposed project or lease.
- b. Work to reduce and mitigate adverse impacts on vulnerable communities that are disproportionately impacted by reduced air and water quality, water pollution, climate change, sea-level rise, displacement, lost economic opportunities, and inadequate access to open space and Public Trust lands and resources.

11. ACCOUNTABILITY

- a. Finalize and approve an Environmental Justice Policy Implementation Plan based on the attached appendix.
- b. Incorporate Environmental Justice Policy Implementation into the Commission's Strategic Plan.
- c. Regularly assess progress and efficacy of the implantation of this policy and provide progress reports to the Commission at a duly noticed public meeting.

****Appendix*

Implementation Outline

I. PURPOSE STATEMENT

These strategies are meant to guide the Commission's policy implementation and can be adapted to ensure the intent of this policy is carried through to and meaningfully considered in all areas of the Commission's work.

II. PROCEDURAL GOALS

The Commission will:

Goal 1.0: IDENTIFY AND ENGAGE WITH IMPACTED COMMUNITIES.

The Commission will work to identify marginalized and disadvantaged communities, including tribal and non-tribal communities, that live, work, and recreate near a proposed project or lease site as an initial step in the application process.

Strategies to Achieve this Goal:

- 1.1. Reach out to environmental justice groups, impacted communities, and Tribes and tribal communities when the Commission becomes aware of project proposals or receives a lease application and collaborate with impacted groups throughout the review process.
- 1.2. Develop relationships with community-based organizations and seek their assistance in identifying marginalized and disadvantaged communities that live, work, and recreate near a proposed project.
- 1.3. Develop and sustain relationships with tribal communities, to ensure tribal-specific environmental justice concerns are understood and considered.
- 1.4. Use CalEnviroScreen and other resources that assess where there are marginalized or disadvantaged communities in relation to project and lease applications and policy decisions.
- 1.5. Continuously update and enhance contacts and relationships with local, regional, and statewide environmental justice advocates.

Goal 2.0: SOLICIT INDIGENOUS PERSPECTIVES.

The Commission acknowledges that Tribes and their members have unique environmental justice issues and valuable historical, cultural, and ecological knowledge of California lands and resources. The Commission will seek tribal perspectives and expertise in furtherance of the Commission's Tribal Consultation Policy.

Strategies to Accomplish this Goal:

- 2.1. Respect and apply principles and practices of government-to-government consultation between California Native American Tribes and the State.
- 2.2. Seek out and learn from indigenous peoples' unique historical, cultural, and ecological knowledge of California's lands and resources.

Goal 3.0: EDUCATE AND EMPOWER STAFF.

All staff will receive ongoing environmental justice training to understand what environmental justice is, how it intersects with the Commission's jurisdiction, why it matters, and how staff will incorporate it into their everyday work.

Strategies to Accomplish this Goal:

- 3.1 Provide staff with educational materials about environmental justice and social equity. Build an Environmental Justice library of relevant and informative materials. Provide comprehensive environmental justice and social equity training for all staff. Incorporate environmental justice training into new employee onboarding training. Provide all staff with continuous education training for environmental justice.
- 3.3 Employ an Environmental Justice Liaison who will be the first point of contact with vulnerable communities, which will allow for more immediate and personalized response to inquiries, and facilitate ongoing communication with staff. The Liaison will also coordinate with local governments and environmental justice groups and expand the Commission's network of contacts.
- 3.4 Partner and collaborate with agencies, Tribes and tribe-affiliated trusts, nonprofit organizations, and other entities that are knowledgeable about environmental justice issues to host outreach meetings and workshop solutions.

- 3.5 Develop environmental justice champions throughout the Commission. Integrate environmental justice considerations into all aspects of the Commission's work.
- 3.6. Encourage and teach staff to incorporate, environmental justice issue identification, research, and analysis into division and program practices and procedures.
- 3.7. Share and implement lessons about social and racial equity learned from the Commission's participation in the Government Alliance on Race and Equity Cohort.⁶
- 3.8. Continuously assess staff capacity and workload and leverage resources to ensure that staff can fulfill the goals of this policy.
- 3.9. Incorporate and prioritize implementation of the Commission's Environmental Justice Policy in its Strategic Plan.
- 3.10. Empower staff to challenge the norm; seek to challenge the established culture and self-reflect.

Goal 4.0: ANALYZE POTENTIAL ENVIRONMENTAL JUSTICE IMPACTS OF A PROPOSED PROJECT OR ACTION.

The Commission will ensure that staff analyze, consider, incorporate, and balance the priorities and concerns of marginalized and disadvantaged communities equitably with the priorities and concerns of other stakeholders; and identify and explain the factors that staff has analyzed, considered, and weighed in making its recommendation to the Commission.

Strategies to Accomplish this Goal:

- 4.1. Incorporate the identification, research, and analysis of environmental justice concerns, issues and potential impacts into the Commission's practices and procedures.
- 4.2. Require industrial and commercial lease applications to identify environmental justice communities in the area and potential impacts of the project on those communities.

⁶ <https://www.racialequityalliance.org/>

- 4.3. Include an environmental justice section in staff reports for projects that impact vulnerable communities.

Goal 5.0: REDUCE IMPACTS.

Foster a culture that focuses on reducing and avoiding impacts and scrutinizes the value of a proposed project based upon its potential impacts on tribal and environmental justice communities.

Strategies to Accomplish this Goal:

- 5.1. Modify the Commission's industrial and commercial lease application forms to require applicants to identify environmental justice communities in the area and to identify potential impacts and mitigation.
- 5.2. As part of the application process, research impacts and work with the applicant and impacted communities to develop strategies to decrease those impacts and increase benefits to impacted communities.
- 5.3. When there are concerns that a project will result in disproportionate burdens to vulnerable communities, weigh those against the merits of the project and, where feasible, require reduction or elimination of those burdens.

Goal 6.0: IDENTIFY AND PROMOTE ACTIONS THAT INCREASE EQUITY.

The Commission will work to leverage the Commission's ownership and management authority over Public Trust and school lands to facilitate and encourage projects that alleviate or remove barriers to racial and social equity, including community- or regional-scale renewable energy facilities, broadband internet infrastructure, and habitat protection, management, or restoration projects that improve resource health for tribal subsistence and access to natural spaces for all communities.

Strategies to Accomplish this Goal:

- 6.1. Where the Commission is a responsible agency or a noticed party on a proposed project, Commission staff will seek to identify projects that have environmental justice impacts and provide comments during CEQA.
- 6.2. Develop strategic partnerships with trustee ports, harbor districts, and other grantees and lessees to support efforts to minimize and reduce environmental and health impacts on vulnerable communities from port industrial activity.

- 6.3. The Commission will seek opportunities to work with stakeholders to preserve, protect, and expand public access to Public Trust lands and resources for everyone, with careful consideration given to increasing access opportunities to Public Trust lands and resources for marginalized, disadvantaged, and tribal communities that live or work nearby but have not traditionally been able to enjoy these areas.
- 6.4. Promote and support the environmentally responsible development of school lands.

Goal 7.0: IMPROVE PUBLIC ENGAGEMENT AND INCREASE TRANSPARENCY.

Strategies to Accomplish this Goal:

- 7.1. Develop and implement a meaningful public participation process. Connect with communities at the beginning of the lease application and project review process and continue engaging them throughout the process.
- 7.2. Plan outreach meetings, public hearings, and Commission meeting times and locations in areas that are accessible to communities impacted by the decisions that the Commission may make at those meetings.
 - 7.2.1. When that is not feasible, find alternate ways of hearing from affected communities, such as satellite meeting locations and listening sessions, webinars, or community visits during the application review process before a Commission meeting.
- 7.3. Ensure that public notices are available to disadvantaged and marginalized communities.
- 7.4. Improve the readability of public documents, including CEQA documents, staff reports, and lease applications. Use fewer acronyms and common language and, where appropriate, will be translated and provided in all threshold languages⁷.
- 7.5. Incorporate environmental justice topics and concerns into consultations under the Commission's Tribal Consultation Policy.

⁷ "Threshold Language" means a language that has been identified as the primary language, as indicated on the MEDS, of 3,000 beneficiaries or five percent of the beneficiary population, whichever is lower, in an identified geographic area (9 CA ADC § 1810.410 (a)(3)).

- 7.6. Where appropriate, send knowledgeable staff to environmental justice-oriented events around the State to share information about the Commission, build relationships, improve public participation, and respond to and address issues and concerns from impacted communities.

Goal 8.0: MAKE BETTER USE OF TECHNOLOGY.

Strategies to Accomplish this Goal:

- 8.1. Develop geographic or subject-matter e-lists to quickly distribute updates and information to interested individuals and groups.
- 8.2. Increase information available on the Commission's website and social media platforms.

Goal 9.0: ENCOURAGE COMMUNITY-ORIENTED LESEES.

The Commission will work to leverage its ownership and management authority over Public Trust and school lands to promote healthy communities around those lands by considering the values and the risks that a potential lessee will bring to those communities based on their unique needs and vulnerabilities.

Strategies to Accomplish this Goal:

- 9.1. Work with potential lessee's early in the planning process to develop projects that will be consistent with the Public Trust and will reduce impacts and provide benefits to the vulnerable neighboring communities.

Goal 10.0: ENSURE ACCOUNTABILITY

The Commission and its staff will be held accountable through measurable goals and mechanisms for evaluating and retooling strategies. The Commission will regularly measure success and reflect upon the effectiveness of this policy and its implementation. Staff will review the information provided by the public, environmental justice communities, Tribes, and others to ensure that it fulfills the policy expectations and is benefitting vulnerable communities. The Commission will use this review to determine if revisions are needed to improve the policy's effectiveness or adapt it to reflect new concerns, issues, or laws.

Strategies to Accomplish this Goal:

- 10.1. Establish a standing external environmental justice advisory group that will meet 1-4 times annually and advise the Commission and staff on the effectiveness of the Commission's environmental justice policy and implementation plan.

10.2. Adopt methods for determining effectiveness in implementing the policy and establish performance measures to ensure that the policy is benefitting marginalized, disadvantaged, and tribal communities.

10.3. Seek feedback on the implementation of the policy and identify ways to measure how well it is working.

10.4. Present an annual status report to the Commission to inform the Commissioners of steps taken to implement of the Policy.

10.5. Revise the policy and implementation plan as needed to reflect lessons learned and policy or implementation shortcomings identified through the assessment process or public consultation.

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Exhibit B

Notes from 6/19/18 Environmental Justice Roundtable hosted by the CA State Lands Commission, CA Coastal Commission, and the San Francisco Bay Conservation and Development Commission (BCDC)

What brings you here today? What got you interested in environmental justice issues?

- Greenwashing by corporations
- Expand environmental justice to include economic justice
- Need to appreciate that we are on Indigenous land and treat others with the same kindness we'd want
- Wants to see if environmental justice communities are part of the discussion
- Currently leadership requires a certain level of education that excludes the real experts (community members that have lived experience with environmental injustice) – government needs to value this community/lived expertise
- Coastal and open-space access, especially transit-constrained Bay access for people with disabilities or special needs
- Need to add disability to the environmental justice discussion – expand definition of environmental justice to include those with disabilities
- Need to decrease the amount of coal being transported through Richmond that worsens air and water quality. Wants to know the authorities of the commissions to address this
- Health impacts of coal in West Oakland
- Impact of economic development, especially if driven by toxic resource use. Agencies should consider health impacts, not just economic improvements
- Wants a seat at the table in the planning process
- Decisions being made early on without involving communities of color. Agencies should engage these communities in the planning process from the beginning
- Remediation site near Phillips 66 – why is Phillips 66 calling all the shots if the CA State Lands Commission is 80% land owner? Concerned about change of land use. Confused about Public Trust. Concerned that environmental impact report doesn't show neighborhoods
- Phillip 66 project – studies for similar projects differ from applicant findings
- Agencies need to require developers to take environmental justice impacts into account and mitigate/address them
- Agencies need to announce projects early on so there is time for communities to prepare
- Restaurant workers rights
- Lead poisoning in Chicago
- Environmental law
- Access for all
- Bringing out the voices of those who are affected
- Need more involvement than just testifying at a meeting
- Urban, rural, and indigenous communities are dumped on

- Government agencies are violating the law. Having a policy is not enough. Need to make policy strong and follow it. Need to include civil rights in policy
- How to lessen impacts on frontline communities
- Call on people's consciences
- Toxic dump site at Carquinez Bridge
- Housing costs
- Ability to live and be healthy are related to the environment
- Hotel permitting
- Standing Rock
- Agencies need to take into consideration unintended consequences, perceived safety, and protection of the environment
- Environmental protection is not just birds and trees – it is human/social
- Need to have more public access
- Need to move away from a broad categorization of “homeless”
- Need to find opportunities to educate on public access
- Agencies need to get people engaged, meet people where they are, and allow them to have ownership
- Need more public transit opportunities to access coast/water
- Air quality
- Public health
- Climate change and sea level rise
- Concerned about coal
- Environmental injustice in Hunters Point
- CAUSE's work
- Selby Slag remediation concerns
- Lived-in experience needs to be considered expertise
- Concerned that government agencies have environmental justice policies on paper but do not enforce them
- Wants more information on how to be involved in the process for participating
- Community voices need to be heard and considered in the decision-making
- Public participation in the public process
- Youth
- Students and others feel helpless
- Government and industry need to follow the law
- Wants to assure that people in the community are heard and their voices are taken into consideration
- Wants a website on how to get involved, including all the government agencies, where they are, and how to start the process for getting students active

What does achieving environmental justice in terms of flooding protection/food hazards and safety look like? What would we need to get there?

- Addressing proximity of industrial sites to vulnerable communities – avoiding what happened in Houston

- Addressing economic displacement
- People who have lower-wage jobs need to receive assistance in recovery, not only property owners
- Addressing impacts of shoreline protection on nearby properties
- Making a difference in emissions reductions, not accepting that we are “doomed”
- Government needs to connect with culturally competent organizations
- Need to connect the issues of environmental justice communities to everyone
- Government needs to build relationships with and partner with communities
- Need large scale mobilization
- Need to provide easy steps to get involved in your personal life and community
- Needs to be coordination among government agencies about which one to contact with what issues – a “roadmap” to action
- Equity needs to be at the center of every step in the planning process
- Policies need stronger language than only “consider”
- Need to pay community members and organizers for their participation

What does achieving environmental justice in terms of development look like?

What would we need to get there?

- Community members do not just want to be heard – they want a seat at the table
- Communities of color need to be in the room from the beginning of the process
- Acknowledgement of affected communities’ existence
- Follow UN sustainable development goals for social, environmental, and economic benefits without causing harm
- Protection of communities
- Requiring developers to take environmental justice into consideration
- Need more announcements and better advertisement of public meetings
- Projects need to start with doing research on communities affected and incorporating these communities from the beginning
- Every stakeholder needs to be in the room
- Need language access resources – agencies need to talk to communities and people who will be affected in their language
- Agencies need to talk to communities first, not developers
- CA State Lands Commission needs to remember they are stewards of our (public) property – they need to be in favor of the public over corporations from other states
- Agencies need to take into account not only who lives nearby development site, but who is working in these project areas – projects that only provide poorly paid jobs are actually hurting the communities around it as well as the communities where the workers live. If we instead create better paid jobs, we can create stability.
- Agencies need to not allow restrictions on access for traditional uses of land such as fishing that allow people to feed themselves and recreate
- Honor, know, and consider the communities that use the land
- Development of harbors is leading to loss of public access
- Agencies need to post notices about meetings in the communities

- Need protection and enhancement for existing communities rather than communities moving in/gentrifying
- Notices need to be sent to tenants, not just property owners
- “Neutral” laws can be enforced in racist ways (i.e. Lake Merritt example of charcoal bbq) – we need to think about how these laws are being enforced and who enforces them
- Adding “security” to open spaces can be threatening and discourage access especially among those with immigrant status. Access needs to be protected but these patrols are not a good option
- Need to have culturally sensitive open spaces – they cannot just be for gentrifiers
- There is a failure in environmental impact report reporting – these reports can favor the fossil fuel industry. They need to take both acute and chronic exposures into account. Selby Slag environmental impact report does not mention human health and the nearest neighborhoods were photoshopped out to give the impression that the closest community was farther away from the project site than it actually was.
- Agencies need to consider cumulative impacts of multiple projects instead of case-by-case analysis
- Carbon tax is leading to the concentration of polluters in close proximity to low-income housing
- There needs to be an environmental justice analysis in permit applications or hearings before commissions
- Agencies need to start denying permits on environmental justice grounds
- Agencies need to stop blaming municipalities
- Tired of regulators saying they have no power
- Agencies need to consider public health and social impacts with any economic development project proposed
- Often environmental justice communities or communities of color are asked to join in late in the process, after decisions are made so that the agencies can say they “did environmental justice.” These communities need to be involved from the start.
- Immigrant families are not considered as there are often no translation/interpretation services offered
- Low-income workers need protection – many are being displaced out of the Bay Area
- Need to make sure public access to the coast/Bay is protected as the coast/Bay is being beautified
- Agencies need to protect low-cost and traditional uses of coast/Bay such as fishing (even for those who do not live at the coast/Bay)
- Need water-quality protections for fishers who depend on the Bay to feed themselves and their families
- Agencies need to revisit MOUs, permits, and agreements that have environment justice implications on communities
- Agencies need to ensure that developers provide good jobs through the construction and life of projects (including decent salaries and benefits to protect workers from displacement)
- Areas keep getting developed in a way that raises the costs of living, forcing tourism and service workers out of their homes.

- Agencies need to include a clause in policies that require (or at least encourage) jobs for lower income and people of color in permit applications
- Announcements and information about upcoming development projects needs to be posted in the affected communities (in schools, grocery stores, churches, libraries, and other public spaces) and disseminated via radio and other relevant community media outlets in the appropriate languages
- Agency staff need to go out and engage with the public at community meetings and report on upcoming projects
- One way to reach more people is to conduct a survey similar to a census survey to let people know about issues
- Many people want to participate in discussions regarding upcoming development projects but do not because of lack of process awareness and language barriers
- Agencies need to highlight the potential impacts of the project in notices
- All of our materials, including our laws and policies, need to be in Spanish
- If agencies don't help communities fight back against developers, the rich will continue to get richer and the poor will continue to get poorer
- Need to have meetings exclusively for Spanish speakers so people can feel at ease when participating

What does achieving environmental justice in terms of coastal and Bay public access and recreation look like? What would we need to get there?

- Law enforcement in public spaces (depending on how it's conducted, especially if it official officers) is threatening. People feel uncomfortable calling enforcement or reporting access issues
- Open spaces and public spaces should be welcoming to people of all cultures
- Gentrification and changes in communities threatens access of communities who have historically been there
- Access means safety
- People need to know their rights
- Need more accessibility requirements for public access signage
- Agencies need to do community education around what is available and when
- Agencies need to do a better job of drawing people in
- Agencies need to utilize community groups to spread information
- Agencies need to use social media, television advertisements, and radio
- Agencies need to make the community feel welcome
- Neighborhood associations are good outreach opportunities – agencies need to hold meetings here
- Agencies need to include both parents and children in public access/recreation education and outreach
- Do free programming to gain momentum
- Get decision-maker buy-in
- Leverage technology to promote public access
- Need better parking opportunities at the coast/Bay

- Need better public transportation opportunities to get to the coast/Bay
- Improve signage
- Need programs focused on children/schools (escorted introductions)
- Coastal access is sometimes cut off by roads/railroads – need to consider land use as a connected watershed
- Need creation of more public park areas
- Need focused amenities based on what communities want
- Need low-cost accommodations
- Need better education in schools about the coast/public trust – the people of California need to know it belongs to them
- Agencies need to engage a more diverse demographic of users
- Need to address perceptions of who can use public access

What does achieving environmental justice in terms of public participation/process access look like? What would we need to get there?

- Make meetings more accessible – provide food and childcare and announce this when sending out meeting information so participants know what to expect
- If staff is paid to be at a meeting or workshop, so should community members who are sharing their time and expertise. Local and community knowledge and lived experience need to be treated as an expertise – therefore, community members need to be involved from the onset and compensated for providing this expertise (just as other experts are). Agencies need to recognize this process takes a long time.
- Agencies need to build trust with communities and then partner with them. Agencies can start with identifying local/community leaders.
- Agencies need to provide volunteer opportunities to help people get involved
- The medical and labor communities need to be included in environmental justice discussions
- People need to be reimbursed for their time
- Agencies’ mission statements are good but need to enact laws with force
- Agencies need to be more responsive to the public
- Industry is getting more access to decision-makers than the public
- Staff does not follow board rules
- Environmental impact reports do not reflect communities
- Agencies need to be clearer, more transparent, and fairer in their communication, especially on jurisdictions and authorities
- Policies need to be translated into laws and actions
- Agencies need to put their tribal consultation policies into work – agencies specifically need to consider the impacts of large solar developments on indigenous land and communities
- There needs to be more integrity in the translation of policies
- Need further clarification of agencies’ jurisdictions
- Concerned about whether to spend efforts working with staff as they are not the actual decision-makers

- Agencies need to put policies into practice and need to be held accountable for doing so
- Government needs to go to the people, rather than having the people go to government
- Environmental justice policies need to have “teeth” so that agencies can be held accountable
- Government needs to push back on private interests
- There needs to be less bureaucracy and simplified messaging
- Agencies should be the ones taking on the responsibilities of making participation/process accessible, it should not fall on non-profit organizations
- Agencies need to take public comment seriously and hold developers accountable
- Agencies need to loop back with communities and tell them what changes were made in response to events (like these), meetings, public comment, etc.
- Communities want to shape, guide, and lead processes not just “provide input” – they want decision-making power
- We need to speak from our individual experiences and those with power need to acknowledge it
- Everyone needs to be equitably invited to the table. This takes a long time – agencies need to build that time into planning processes
- We need more public/private and public/non-profit partnerships
- Agencies need to value local and community expertise over in-house engagement exercises
- Agencies need to hold meetings in community spaces at times and dates that are accessible to community members
- Language accessibility needs to be ensured at all public meetings and in any materials that the agencies produce
- Meetings need to be universally accessible – agencies need to let people know about accessibility in meeting notices/follow-ups (e.g. building accommodations, ASL interpreters, etc.)
- Need changes to the US economic system
- Agencies need to go out to communities, rather than making people come to the government (downtown Oakland does not seem like a good location)
- Agencies need to be willing to fight Washington
- Agencies need to be less confusing. People want to know how to access the process and a project as it goes through permitting processes. Provide infographics on how to participate (similar to ACLU’s graphics)
- Agencies need to hold meetings after work hours, so that working people can participate
- Agencies need to provide Spanish translation at meetings
- Agencies need to take workers’ concerns seriously
- Agencies need to have an online/web option to participate in meetings
- Agency staff need to negotiate community engagement/environmental justice work into job description and project work plans (utilize GARE framework)
- Agencies need to create positions for community engagement/environmental justice work (utilize unions)

- Agencies need to provide transit stipends for people to participate (public transit is expensive)
- Agencies should fund community coalitions to create action plans – agencies can also provide technical expertise to these coalitions
- (In the Bay Area), we need to work with MTC – they will need to be a part of the solution
- Be a “bureactivist” as a government employee
- Agencies need to spend time building trust and relationships with communities
- Legislature needs to appropriate more funding for this work (write op-eds and utilize democratic clubs to start process)

How do you want to be involved in our agencies’ processes?

- 1-on-1 meetings with agency staff
- Advance public notices
- Listservs
- Tell teacher groups about opportunities
- Agency staff and board members need to have the ability to sit down and meet in person prior to decisions being made
- Infographics and simple explanations for how to participate
- Return phone calls
- Agencies need to engage social justice schools and co-ops
- Not sure if exercises (like this) are anything more than a waste. Will they affect any change?
- Agencies need to involve the local community in spreading the word about events – utilize potentially unrelated groups to spread message
- Agencies need to make communications local/relatable to the immediate community, rather than abstract concepts
- Agencies need to spread participation opportunities through community newspapers, churches, schools, and youth groups
- Agencies should leverage ethnic media outlets
- Agencies need to better connect advocacy organizations with public’s responses to agencies
- Agencies need to make information more digestible and involve more people
- Agencies need to hold separate meetings in communities in which English is not the primary language spoken

Exhibit C

Notes from Environmental Justice Roundtable, Martinez, August 21, 2018

Questions and concerns:

- Who are the main groups the Commission is consulting to create its EJ policy? Which local groups specifically?
- When is the EJ policy coming out? The new draft policy seems to expand on what was already in place but never really implemented.
- Contra Costa and Solano counties are not doing well with addressing concerns from EJ communities. Who is the commission working with in these counties?
- The State of California has not completed an oil spill cleanup plan for non-floating oils (tar sand). Vallejo had a release a year ago and could only clean up the floating chemicals. The Department of Fish and Wildlife do not appear to be good at community outreach; there's been no response from them about the spill.
- There were two spills in Carquinez, yet no notification.
- The air district allowed Phillips 66 to double production, which worsens pollution.
- CEQA has no EJ policy, and it is up to each city, and cities seldom assess EJ in CEQA documents.
- Regarding Phillips 66, what happens when someone files a lawsuit challenging the CEQA determination. It seems like nobody takes responsibility. The county supervisors should not have approved the EIR.
- In Vallejo and Crocket, there are sick people, people are suffering because of refineries, and people are dying.
- The community needs help and wants someone with more power to help them; they want results.
- What does the Commission do when there are illegal leases?
- What oversight does the Commission have when it comes to noise from foghorns and light from service beacons?
- Children in these communities that have played outside for decades are now sick because of contamination from refineries. People feel that refinery money talks and that communities lack the money to fight back.
- People believe that governments are creating policies to calm people in these communities and then just put it on the shelf and nothing changes.
- There was a spill, and it took a year to find out where the smell was coming from, it took a year to get any response from the city, there was no communication, and citizens had to seek answers themselves. Meanwhile, people were exposed to toxic chemicals, and there were no consequences for the polluters.
- The Commission's policy needs to be powerful; there has to be consequences and accountability.
- What specifically are we asking for input on when it comes to environmental justice?
- The Sperry Flour Mill set up on a prime piece of waterfront property in Vallejo. They want to put a toxic dump there.
- What is the average length of commission leases?
- How much does the commission charge for rent?

- Who is in charge at the Commission?
- How does the Commission know when a lessee violates laws or lease terms?
- In 1991, the city of Vallejo transferred a lease for the Sperry Flour Mill to a marine oil terminal without communication from the city to the community. Does the Commission have a role in this lease and the underlying land?
- Can the Commission put information on its website about who to contact when they see actions that are suspected to be illegal, such as polluting?
- From the community's perspective, it seems like nobody has regulatory authority.
- One community group was threatened because of a lawsuit contending there was a CEQA violation, which was lost. Now, the people who initiated the lawsuit are being sued, which discouraged people and communities from acting when they believe industry or others are violating the law.
- Would the Commission want to know if cement is illegally dumped into waterways?
- One attendee lives near Phillips 66 and saw pollutants floating in the water. The attendee took a sample and must pay for the testing.
- Is the Commission considering tribes in its policy and how tribes are affected by Commission actions?
- How is the Commission applying SB 535 in relation to marine expansion projects and the Selby Slag site?
- Does the Commission plan to invest resources in enhancing water and air quality in the Selby Slag area?
- Phillips 66 does not have laser air monitors, and the particulates have quadrupled since 2012. Talking to the air district is like banging one's head against the wall. Terminals should be illegal.
- A recent memorandum of understanding with Phillips 66 allowed the refinery to receive credits for releasing certain chemicals.
- The Commission should advise the public about Public Records Act requests.
- Attendees would like to go directly to the Commission so that the commissioners' can help community members figure out where to start, and who to contact for help with pollution or air and water quality concerns
- The Commission should strive to lead by example and showcase how and why environmental justice is important.
- There is insufficient language in the Commission's draft environmental justice policy addressing cumulative impacts.
- The community of Rodeo is not listed as an impacted or disadvantaged community. Many attendees voiced their perspective that this is outrageous.
- The memorandum of agreement that the Commission and C.S. Lands signed is problematic and should be rescinded.
- Why are refineries in charge of cleanup?
- Phillips 66 will double production; there will be more mud, more slag metals, and ultimately an explosion.
- A new housing development was developed adjacent to a Phillips 66 property. When children living there open their windows, they will breathe the concentrated and toxic air, and nobody seems to care.

Exhibit D

General Questions, Comments, & Concerns

- Staff reports should have an EJ section
- Community consideration is important input for projects
- Can this be compared against the UN's 17 Sustainable Development Goals?
- Look at funding to engage EJ communities
- Reflect and improve on currently public participation - how are communities outreached to meaningfully and well in advance of decision-making processes?
- Post pending applications and make them accessible online, this will help bring in more public engagement
- Post signs before public hearings
- Link up with state and environmental groups who look out for our communities
- How does State Lands work to bring visibility to local communities where they have jurisdiction?
- Have copies of policies beforehand and available so folks can read them together
- Stop oil drilling
- How Ports can offset impacts by the Ports in communities most impacted by their operations
- Public health consideration is key
- Commissioners should tour communities in the State Lands' jurisdiction
- Engage communities with ancestral homelands
- Meetings can be had at colleges and organized by student organizations
- State Lands must do a better job of informing the public
- Have people in our communities better understand the Commission via communication outreach representative in our regions
- Pressure Ports for air mitigations
- Host more community meetings
- Lift up equity; mitigate local impacts and increase resources invested in DACs
- Outreach to communities of color
- Cultural sensitivity, especially regarding citizenship status
- How does State Lands help with local job creation?
- Have a presence in schools/school clubs.
- What does the State Lands relationship to our Port look like?
- Need strong/stronger enforcement of Port hiring locally
- How does the Commission hold anyone accountable?
- Be mindful of language access when preparing and externalizing documents
- How can community members help the Commission?

EJ Policy Questions, Comments, & Concerns

- Where is the accountability for commissioners during this process?
- Must ensure environmental justice is a priority in meetings
- Need more public meetings on this policy
- Need more visibility from commission

- On #11 heading - solve by having more community involvement; have the commission look seriously at its levels of engagement and restructure to operate from the bottom-up, not top-down
- Reach out to local organizations and neighboring cities
- Need enforcement on violations of sacred lands and spaces
- Strategy and investment will help ensure completion and consistency
- Consider an “Equity Fund” within lease renewals that includes job training, conservation projects, and community projects; community members can define how funds get allocated
- With supporting cleaner industry, include solar and shipwater treatment
- Allocation of fines should be directed to community resources
- On #10, need hard targets and yearly goals.
- Climate resiliency - how are lands being used for natural disaster preparedness?
- Include online interactive map on the percentages of lands leased, and have the leases and in-progress leases available
- Every application should have consultation with tribes on the process and land use
- Need visual recognition of tribal land
- Need cultural sensitivity led by community-identified members to lead that discussion = bottom-up approach
- Collaboration and assessment to evaluate current land projects
- Make room for dialogue to be continuous
- How can clean energy technologies (solar, wind, hydroelectric) be integrated on to school lands?
- Could surrounding communities get grants from State Lands for renewable energy projects? Who is benefitting from clean and renewable energy?
- Localized workforce that brings real jobs that sustain our communities.
- Assess cumulative impacts from future development
- Assess the industries that are getting permits with State Lands. Applications/leases/permits, etc. should be denied or put on hold if they have carbon markets elsewhere.
- Applicants must do on-site mitigation
- Need better definitions:
 - Native nation definitions (not just including recognition by federal government)
 - Key policy objective #1
 - “Marginalized” and “disadvantaged” needs to be defined
- “Promote Equity” goal sounds more like equality than equity.
 - Race is a clear indicator of equity
- Objective #4: Increase the Commission’s awareness of the public