

STAFF REPORT

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| S | Statewide | S. Pemberton |

**CONSIDER ADOPTION OF A NEW ENVIRONMENTAL JUSTICE POLICY
AND IMPLEMENTATION BLUEPRINT**

INTRODUCTION:

When the Commission first developed an Environmental Justice Policy, some 15 years ago, it was one of the first resource agencies in California to do so. That policy had general principles and guidelines but lacked a way for staff to implement environmental justice into its daily work. In 2016, Lieutenant Governor Gavin Newsom, who was serving as the Commission Chair, recognized the importance of focusing attention on environmental justice and directed staff to craft a new Policy. Since then, Lieutenant Governor Gavin Newsom and State Controller Betty Yee have provided additional guidance and resources to help shape and implement the comprehensive public outreach that has informed the Policy's development.

The proposed Policy will apply to the Commission's management of State-owned sovereign land and resources and State-owned school land and resources, its regulatory authority under the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act and the Marine Invasive Species Act, and will inform its oversight of land legislatively granted to local jurisdictions. State-owned sovereign land includes navigable waterways and tide and submerged lands along the coastline and elsewhere. School lands are primarily in the desert and include the 16th and 36th sections of land in each township, with certain exceptions.

Staff began the process of developing a new Environmental Justice Policy by setting up an internal staff team representing different divisions within the Commission. In 2017, the staff team held listening sessions in Fresno and Los Angeles, attended environmental justice workshops and interagency meetings, and conducted targeted outreach. The team also attended a training hosted by CalEPA and CalRecycle, agencies that have extensive experience working with environmental justice communities. In 2018, the staff team created a listserv for stakeholders and interested community members, an environmental justice webpage, and a dedicated email address. The team began educating Commission staff about its efforts to develop a new Policy, produced and circulated two drafts of the Policy, conducted extensive outreach, and collaborated with stakeholders. The team also partnered with the California Coastal Commission, the San Francisco Bay Conservation and Development

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Commission, and East Yard Communities for Environmental Justice to convene meaningful community outreach in Oakland, San Diego, and Long Beach.

Also in 2018, the Commission's Tribal Liaison, together with the staff team, sought meaningful input from Tribal leaders, elders, and youths through individual and group consultations, with the goal of ensuring that Tribal environmental justice concerns were reflected in the Policy. Another significant development in 2018 was that an Environmental Justice Working Group, consisting of eight organizations, began advising the staff team.

Staff is incredibly grateful to everyone who took time to attend the outreach and listening sessions. Community input was critical to shaping the Policy, deepening staff awareness, and cultivating trust. Staff's ambition was to craft a Policy that is comprehensive, meaningful, and responsive to the views of environmental justice communities: one that creates the architecture for incorporating environmental justice and equity considerations in the Commission's culture and everyday work. Staff believes the proposed Policy achieves this vision.

ENVIRONMENTAL JUSTICE:

What is environmental justice? Environmental justice is complex, yet simple. It is complex because it involves sensitive and highly charged issues such as race, politics, and socioeconomic; and it is profoundly personal, affecting people's lives and health. It is simple because its essence is the fair distribution of environmental benefits and burdens.

Environmental justice is defined in different ways. In California, environmental justice is defined as the "fair treatment of people of all races, cultures and income with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies."¹ Environmental justice includes procedural justice and substantive justice. Procedural justice means all people have the opportunity for meaningful involvement in environmental decision-making regardless of race, ethnicity, income, national origin, or educational level. Substantive justice means that environmental benefits and burdens are distributed fairly.

Environmental justice has its roots in the civil rights movement. It began as a grassroots movement of people advocating for a safe and clean environment for low-income communities and communities of color. In 1991, the First National People of Color Environmental Leadership Summit developed 17 Principles of Environmental Justice, a key underpinning of the environmental justice movement. The Leadership Summit's stated purpose was to build "a national and

¹ Government Code section 65040.12 (e)

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international movement of all peoples of color to fight the destruction and taking of our lands and communities” and to “respect and celebrate each of our cultures, languages and beliefs about the natural world and our roles in healing ourselves; to ensure environmental justice; to promote economic alternatives which would contribute to the development of environmentally safe livelihoods; and, to secure our political, economic and cultural liberation that has been denied for over 500 years of colonization and oppression, resulting in the poisoning of our communities and land and the genocide of our peoples.”

ENVIRONMENTAL JUSTICE POLICY:

The proposed Policy begins with an aspirational statement and brief discussion of the issues the Policy seeks to address. It then sets out 12 goals and an Implementation Blueprint.

The goals are:

1. Promote Equity
2. Increase Awareness about the Commission’s Work
3. Increase and Support Equitable Public Access
4. Identify and Engage with Impacted Communities
5. Analyze Impacts and Identify Benefits
6. Reduce Impacts and Increase Benefits
7. Honor the Importance of Tribes’ Ancestral Homelands
8. Build Trust and Form Relationships
9. Support Cleaner Industry
10. Advance Climate Equity
11. Increase Public Participation
12. Accountability

The Policy, attached as Exhibit A, includes specific strategies for achieving each goal. The Implementation Blueprint provides more detail on how these goals will be achieved and measured. Staff intends to develop an implementation plan, based on the contours of the Blueprint, in the coming year and incorporate it into the Commission’s next Strategic Plan.

The Policy is intended to improve public access to open space and water-oriented recreation for disadvantaged or marginalized communities, reduce pollution, support cleaner industry, and achieve more equity in the distribution of environmental benefits and burdens. The Policy will help ensure that the

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Commission is not disproportionately impacting marginalized, disadvantaged, or Tribal communities, and that these groups are included in the decision-making when it affects their communities.

Examples of environmental justice issues related to the Commission's jurisdiction are leasing sovereign and school lands for industrial and commercial uses, regulating marine oil terminals, evaluating renewable energy development potential, preventing invasive species introductions, planning for climate change and sea-level rise, and overseeing the use of Public Trust lands at ports, harbors, and other waterfront areas. Many of these activities can impact low-income communities and communities of color. Yet even activities not directly related to the Commission's jurisdiction, such as powerplants, oil refineries, and landfills, may illustrate examples where the Commission's leadership can be a powerful influence.

Access to Public Trust lands and waterways is fundamental to the Commission and important in the context of environmental justice. Low-income communities and communities of color often lack access to open space, parks, trails, rivers, lakes, and coastal recreation areas. This is detrimental to people's health and well-being. At several of the environmental justice outreach roundtables, attendees talked about the subtle and not so subtle impediments to public access that communities of color and low-income communities experience. Impediments can include language access challenges for those who do not speak English, feeling unwelcome or uncomfortable when a ranger or security guard is present, a lack of public or private transportation, having to pay to enter or park, and lacking electronic payment options to reserve a parking or camping space online.

Tribal members have also expressed concerns about public access from their unique viewpoint. Because Native people have been systematically displaced over time from ancestral territories, much of the land on which communities gathered resources, practiced traditional lifeways, and buried their ancestors, is owned by private interests or government agencies. Tribes have expressed concern about uncontrolled public access in locations where sacred or sensitive tribal cultural resources are located because looting and desecration of these areas, when discovered, is common.

Staff intends to integrate the environmental justice goals in the Policy into all its programs, policies, and operations, weaving them into the Commission's culture. Staff intends to prioritize accountability, annually updating the Commissioners about how the Policy is being implemented. Staff also intends to invest in comprehensive environmental justice training, review staff reports annually to assess how many included an environmental justice analysis, and continue

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convening outreach sessions to assess effectiveness and make recommendations to improve the Policy.

COMMUNITY ENGAGEMENT:

Outreach and community engagement are the foundation on which the proposed Policy was built and the engine that will sustain it. Government involves a vast latticework of agencies, departments, and commissions, each with its own bureaucracy and jurisdictional limitations. This structure, among other things, contributes to the view that government is difficult to navigate or apt to push people over to other agencies, a sentiment staff often heard during community and Tribal outreach. There is a lot of frustration and distrust between residents and the government. The proposed Policy is not the panacea, but staff hopes that once implemented, it will help combat skepticism and ameliorate distrust. Below is a snapshot of some of staffs' outreach and community engagement. More information is contained in the attached exhibits.

Long Beach Environmental Justice Roundtable

In October 2018, the Commission and East Yard Communities for Environmental Justice hosted a community roundtable in Long Beach, an area where residents experience high pollution burdens and increased vulnerability to pollution. During the roundtable, the attendees—approximately 100 residents and a diverse mix of stakeholders—spoke in small groups with staff about their concerns and about ways government can help advance environmental justice.

Following a presentation from Commission staff and East Yard, the group broke into roundtable discussions about environmental justice issues residents experience. At each table, representatives from the Commission and East Yard answered questions and listened to attendees' concerns and suggestions. 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 Policy should be clarified (equity, disadvantaged, and marginalized); tribal consultation and honoring tribal lands should be prioritized; and accountability must be demonstrated. More feedback from this roundtable is in Exhibit D.

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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, work, or play in a heavily industrialized area. Concerns about air quality, clean water, enforcement of regulations and laws, 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 the challenge they faced trying to find a government entity to address the polluted water in their community. The full scope of comments from this roundtable is 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. Oakland is another area of the State where residents experience high pollution burdens and increased vulnerability to pollution. A few of the suggestions that emerged during the group discussions included the following: there should be frequent statewide agency outreach to combat the sense of distrust among many communities; meetings should be arranged in spaces that are welcoming to minorities and migrant communities; meeting information should be understandable, e.g., written in plain language, and translated into other languages, and there should be more listening and collaboration with environmental justice communities. Other concerns voiced were about pesticide use near schools, air pollution, lack of green space, pollution from industrial and port-related activities, illegal dumping, and lack of access to the governmental decision-making process.

Attendees emphasized that public access is highly valued, but that 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. Attendees also emphasized that the Policy should include building environmental justice and social equity into the Commission's culture and that accountability for the commitments in the Policy is crucial. The strength of the Policy is only as good as its

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implementation. The full scope of comments from this roundtable is in Exhibit B.

Engagement with Native Nations

In May 2018, the Commission's Executive Officer sent a letter to all California Native American Tribal Chairs (federally-recognized and non-federally-recognized), notifying them about the Policy development and inviting Tribal participation and perspectives. Based on the responses, staff conducted individual and small-group learning sessions throughout the summer and into November, which provided staff with insights and concerns from inland to coastal areas, and from desert to forested to central valley affiliated Tribal Nations. In July 2018, staff convened a Tribal-focused summit in San Diego called *Strategic Coastal Planning and Organizing for California Native Nations*. The Executive Director of Sacred Places Institute and staff from the California Coastal Commission, Coastal Conservancy, Native American Heritage Commission, and Ocean Protection Council helped convene the summit.

Native communities often experience high poverty levels and ethnic and social marginalization common to environmental justice communities owing to the history of physical displacement and cultural erasure perpetrated on indigenous people. Examples include disproportionate levels of pollution, lack of access to reliable clean water, electricity, and internet, and lack of access to decision-making processes that affect their communities. Staff learned more about the environmental and cultural justice issues facing California's Native Nations during its outreach. Tribes, though geographically and culturally diverse, articulated several common environmental justice concerns including the following:

- Climate change affects environmental processes e.g., coastal erosion, inland landscape alterations, and deforestation. This can expose ancestral remains and other sacred resources and landscapes, making them vulnerable to theft and destruction.
- Loss of natural resources or safe access to natural resources for ceremony, harvesting, or gathering, including acorns, bulbs, tules, kelp, grasses, and sacred properties.
- Loss of access to historical cemeteries and lack of protected areas for repatriation and reburial of ancestral remains owing to displacement and land ownership patterns, e.g., federal and military lands.
- Lack of recognition of, and respect for, Tribal sovereignty and environmental stewardship practices, i.e., Tribal ecological

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knowledge in government decision-making, which hinders cultural continuity and self-determination.

Environmental Justice Working Group

An eight-member Working Group advised Commission staff about environmental justice issues and provided extensive recommendations. The Working Group's collaboration with staff helped shape the proposed Policy in many ways. The following organizations comprised the Working Group:

- Azul
- Center on Race, Poverty and the Environment
- Central Coast Alliance United for a Sustainable Economy
- Communities for a Better Environment
- East Yard Communities for Environmental Justice
- Leadership Counsel for Justice and Accountability
- Sacred Places Institute
- WILDCOAST

At the June 2018 Commission meeting, the Working Group presented recommendations for ensuring a more inclusive and transparent decision-making process, for community engagement, and for more equitable decisions that benefit Native Nations and disadvantaged and vulnerable communities. The Working Group also presented its priorities for integrating environmental justice into key Commission programs and issues. These recommendations have informed revisions to the proposed Policy and are available on the Commission's website.

The Working Group urged the Commission to take steps to prevent pollution, mitigate and minimize negative impacts, and embrace ways to benefit environmental justice communities. It pointed out that these changes require a shift in the way the Commission works with environmental justice communities. This begins with more inclusive and transparent decision-making processes. It noted that through the development of an environmental justice plan and implementation strategy, staff training about environmental justice issues—including on methodologies for conducting environmental justice analyses and the implementation of a robust engagement plan—the Commission can transform its approach. Its recommendations, which staff are incredibly grateful for and which are reflected in the proposed Policy, are intended to

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

The Working Group's recommendations focus on California Native American Tribes and Indigenous Peoples, climate adaptation and resilience, oil and gas development, ports and transportation, public access and conservation, renewable energy, water and pollution, and waterfront redevelopment. Its proposed principles for the Commission are:

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.

Staff has carefully considered these recommendations and incorporated them into the Policy where possible. Responses to these and other comments are attached as Exhibit E.

CONCLUSION:

Staff is clear-eyed about the challenges associated with advancing environmental justice in California. While the proposed Policy emphasizes public engagement and other goals to improve conditions for environmental justice communities and Native Nations, it is primarily about doing. Many of the implementation aspects, such as considering environmental justice in staff reports, using CalEnviroScreen, identifying affected communities, and developing relationships and building trust, are already underway. Staff has a vested interest in building on this work, and through implementation of the Policy, hopes to extend public access to more disadvantaged and marginalized people and make the distribution of environmental benefits and burdens more equal. While the policy development work is done, implementation is where meaningful results are expected, and where staff will focus its energies in the months and years to come.

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OTHER PERTINENT INFORMATION:

1. The proposed action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction; and Strategy 3.2 of the Commission's Strategic Plan, to commit to early and meaningful coordination and collaboration with local, state and federal agencies, California Native American Tribes, and local and regional communities and all individuals disproportionately impacted by environmental pollution.

2. Adoption of the proposed Environmental Justice Policy is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBITS:

- A. California State Lands Commission Environmental Justice Policy and Implementation Blueprint
- B. Notes from the June 19, 2018, Environmental Justice Roundtable in Oakland
- C. Notes from the August 21, 2018, Environmental Justice Roundtable in Contra Costa
- D. Notes from the October 2, 2018, Environmental Justice Roundtable in Long Beach
- E. Response to Comments
- F. List of Stakeholders

RECOMMENDED ACTION:

It is recommended that the Commission:

AUTHORIZATION:

1. Adopt the Environmental Justice Policy and Implementation Blueprint in substantially the form attached as Exhibit A, replacing the Commission's 2002 Environmental Justice Policy.

2. Direct staff to develop an Implementation Plan based on the Blueprint in Exhibit A.

Exhibit A

CALIFORNIA STATE LANDS COMMISSION

ENVIRONMENTAL JUSTICE POLICY

INTRODUCTION

The Commission envisions a future in which environmental justice communities are no longer disproportionately impacted by pollution or environmental hazards, and all Californians can access and enjoy our beautiful public lands and natural resources. The purpose of this Environmental Justice Policy is to advance that vision. The Commission commits to promoting equity and advancing environmental justice through more inclusive decision-making that considers the disproportionate burdens on disadvantaged communities and Native Nations. It also commits to applying this Environmental Justice Policy to all its operations, programs, and policies.

The Commission recognizes the critical connection California's Native Nations have to the environment and acknowledges that the injustices they have endured over generations, including the destruction of natural resources that sustained their communities and systematic displacement from their lands, give tribal communities a unique perspective on environmental justice concerns. California's Native Nations experience many of the same environmental injustices as other vulnerable communities, such as polluted air, water, and soil. They also experience many unique impacts, such as lost access to sacred resources or locations and lost opportunities to gather or grow food, hunt, and fish, or practice traditional medicine. Climate change and sea-level rise will expose, erode, or submerge tribal burial sites, cultural artifacts, and sacred resources, and further decrease opportunities to gather or grow food, hunt, fish, or practice traditional medicine. Incorporating tribally-identified metrics and narratives is a critical part of an environmental justice impact analysis. The Commission will use this policy together with its Tribal Consultation Policy to amplify tribal voices.

Exhibit A

This Policy uses the terms “disadvantaged,” “marginalized,” and “vulnerable” interchangeably; it intends to encompass not only the definitions contemplated by SB 1000,¹ but also to include other low-income and minority populations that are disproportionately burdened by or less able to prevent, respond, and recover from adverse environmental impacts. It also uses the term Native Nations to encompass the federally and non-federally recognized California Native American Tribes and tribal entities included on the list maintained by the Native American Heritage Commission.

The Commission commits to the principle that past environmental injustices 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. The environmental justice goals below are bold and transformative because that is what California needs. Addressing environmental injustice is especially urgent now—at a time when the impacts of climate change on human health will disproportionately affect marginalized and disadvantaged communities and with it, the public’s right to access and enjoy Public Trust lands.

ENVIRONMENTAL JUSTICE GOALS

1. PROMOTE EQUITY

- a. Ensure that all voices are heard, all communities are treated fairly and equitably, and everyone is given equal opportunity to participate in the Commission’s decision-making process, with an emphasis on ensuring that traditionally disadvantaged groups are not left behind.
- b. Work to leverage the Commission’s management and authority over State-owned Public Trust and school lands to facilitate and encourage projects that alleviate barriers to racial and social equity, such as community renewable energy facilities, broadband internet infrastructure, and habitat restoration projects that improve natural resources for all.

2. INCREASE AWARENESS ABOUT THE COMMISSION’S WORK

The Commission will develop tools and strategies to provide information about:

¹ “Disadvantaged communities” is defined in California law (SB 535, Health and Safety Code section 39711) as including those communities identified by CalEPA to be disadvantaged, taking into consideration environmental pollution and other hazards and concentrations of low income, high unemployment, and other socioeconomic factors. To identify these communities, CalEPA developed CalEnviroScreen and designated the highest scoring 25 percent of census tracts as disadvantaged communities. SB 1000 (Government Code section 65302) defines disadvantaged communities as including those identified by CalEPA’s methodology, as well as “an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.”

Exhibit A

- a. The Public Trust Doctrine – what protections and benefits it offers the public and how it can advance environmental justice.
 - b. The public’s rights to use and enjoy Public Trust lands, including tide and submerged lands and navigable waterways, and what constitutes a Public Trust use.
 - c. Management of Public Trust lands and resources for the people of California.
 - d. Oversight of Public Trust lands and resources that the Legislature granted to local jurisdictions.
 - e. Generation of income for the California State Teachers’ Retirement System by managing school lands.
 - f. Prevention of oil spills and marine invasive species introductions.
3. INCREASE AND SUPPORT EQUITABLE PUBLIC ACCESS
- a. Support projects that increase access to Public Trust lands and resources for vulnerable communities that have traditionally not been able to enjoy them.
 - b. Embrace partnerships with state agencies, Native Nations, local jurisdictions, and organizations for projects and other efforts that:
 - i. Protect, conserve, and restore natural resources and wildlife habitat.
 - ii. Protect the integrity and confidentiality of tribal cultural resources and sensitive cultural areas by limiting public access where necessary.
 - iii. Increase and enhance trail and recreational amenity construction, habitat preservation or restoration, open space, parks, and beach access.
4. IDENTIFY AND ENGAGE WITH IMPACTED COMMUNITIES
- a. Identify impacted and vulnerable communities that live, work, or play near a proposed project or activity site, using CalEnviroScreen and other resources.
 - b. Be more informed about the impacts of Commission decisions on Tribes, Native Nations, and marginalized communities.
 - c. Outreach to affected communities soon after receiving an application and throughout the application review process.
5. ANALYZE IMPACTS AND IDENTIFY BENEFITS
- a. Assess and analyze how proposed Commission actions might impact environmental justice communities.
 - b. Analyze climate justice and climate adaptation strategies for disadvantaged communities.
 - c. Identify and analyze potential benefits that a proposed project could provide to disadvantaged communities. Directly reach out to disadvantaged communities concerning benefits they want to see from a proposed project. Encourage changes in project proposals that will create greater equity in the distribution of environmental benefits and burdens.

Exhibit A

6. REDUCE IMPACTS AND INCREASE BENEFITS

- a. Strive to minimize additional burdens on and increase benefits to marginalized and disadvantaged communities resulting from a proposed project or lease.
- b. Work to reduce and mitigate adverse impacts on vulnerable communities including climate change; sea-level rise; displacement; poor air, water, and soil quality; lost economic opportunities; and inadequate access to open space and Public Trust lands and resources.
- c. Work to reduce and mitigate adverse impacts on tribal communities, resources, and lands, including lack of safe access for gathering, harvesting, ceremony, and other traditional practices; disturbance of ancestral remains and village sites; damage to and looting of cultural artifacts.
- d. Support efforts by ports and others to minimize and reduce environmental and health impacts and maximize environmental and economic benefits to vulnerable communities from industrial activities within the port.

7. HONOR THE IMPORTANCE OF TRIBES' ANCESTRAL HOMELANDS

- a. Acknowledge, uplift, and respect the voices of California Native American Tribes and Native Nations 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 Native Nations by facilitating and prioritizing access to and use, restoration, and management of state-owned lands by tribes with historical connections to the land.
 - iii. Protect cultural resources and preserve sacred and culturally important sites whenever possible.
 - iv. Actively support opportunities to empower Tribes to protect, restore, and manage their ancestral lands.

8. BUILD TRUST AND FORM RELATIONSHIPS

- a. Leverage partnerships with public agencies, non-governmental organizations, ports, and Native Nations to advance environmental justice and achieve better outcomes for impacted communities.
- b. Build and foster cooperative and mutually respectful relationships with local communities, tribal communities, and environmental justice communities and groups.

Exhibit A

9. SUPPORT CLEANER INDUSTRY

- a. The [California Global Warming Solutions Act of 2006](#) (AB 32)² limits greenhouse gas emissions, reduces fossil fuel dependency, and encourages clean energy. [SB 100](#) (De Leon, 2018)³ makes it state policy to plan for 100 percent of retail sales of electricity in California to come from renewable energy and zero-carbon resources by 2045. [Executive Order B-55-18](#)⁴ sets a state goal to achieve carbon neutrality by 2045 and directs all policies and programs in support of this goal to “seek to improve air quality and support the health and economic resiliency of urban and rural communities, particularly low-income and disadvantaged communities.” To help achieve these goals, the Commission will support efforts to:
 - i. Transition California away from fossil fuels through the timely and responsible decommissioning of oil and gas facilities.
 - ii. Promote the use of state lands to facilitate the development and growth of renewable and clean energy production and support infrastructure.
 - iii. Work with regulatory agencies, the Legislature, industry, lessees, environmental groups, and environmental justice advocates to prioritize energy efficiency and clean energy and help achieve near zero emissions.

10. ADVANCE CLIMATE EQUITY

- a. Facilitate sea-level rise preparedness and community adaptation using the best available science to help inform decisions regarding the management and protection of Public Trust lands and resources, following the [2018 State of California Sea-Level Rise Guidance](#).⁵
- b. Prioritize social equity and disadvantaged communities in sea-level rise planning and adaptation strategies.
- c. Prioritize the protection of coastal habitat and preservation of public access while balancing other Public Trust uses and existing water-dependent infrastructure along the coast.
- d. Collaborate with Native Nations to incorporate tribal expertise into coastal resiliency and adaptation while protecting resources and artifacts that become exposed during coastal erosion or submerged because of sea-level rise.
- e. Collaborate with interagency working groups and planners, including the Coastal and Ocean Resources Working Group for the Climate Action Team, the

² https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200520060AB32

³ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB100

⁴ <https://www.gov.ca.gov/wp-content/uploads/2018/09/9.10.18-Executive-Order.pdf>

⁵ http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf

Exhibit A

Safeguarding California Climate Action Team, and the Sea Level Rise Interagency Team, with the goal of promoting and advancing social resiliency and climate equity.

- f. Support local trustee partners with developing and implementing sea-level rise adaption strategies.

11. INCREASE PUBLIC PARTICIPATION

- a. Increase and expand outreach efforts to communities that are impacted by Commission actions.
- b. Ensure that documents related to a proposed Commission action use plain language and are available, where appropriate, in the most common languages spoken in the impacted communities.
- c. Engage meaningfully with vulnerable communities throughout the decision-making process for projects that affect them.
- d. Hold outreach and Commission meetings in locations that are accessible to communities impacted by the decisions the Commission may make at those meetings.
- e. Use the Commission website and social media to connect environmental justice communities to the Commission's decision-making process.

12. ACCOUNTABILITY

- a. After policy adoption, finalize and approve an implementation plan based on the attached draft implementation blueprint.
- b. Incorporate environmental justice policy implementation into the Commission's [Strategic Plan](#).⁶
- c. Regularly assess policy implementation and provide annual progress reports to the Commission at a public meeting.

⁶ <http://www.slc.ca.gov/About/Docs/StrategicPlan.pdf>

Exhibit A
APPENDIX

IMPLEMENTATION BLUEPRINT

I. PURPOSE STATEMENT

These strategies are meant to guide the Commission's implementation of its Environmental Justice Policy and can be adapted to ensure the intent is achieved and meaningfully considered in all areas of the Commission's work. This is not intended to be an exhaustive list, but rather to represent potential ways the Commission may advance its Environmental Justice Policy goals.

II. PROCEDURAL GOALS

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 play 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, Tribes and Native Nations 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 play near a proposed project.
- 1.3. Develop and sustain relationships with Native Nations to ensure tribal-specific environmental justice concerns are understood and honored.
- 1.4. Use CalEnviroScreen and other resources that assess where there are marginalized or disadvantaged communities in proximity 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.

Exhibit A

GOAL 2.0: SOLICIT INDIGENOUS PERSPECTIVES.

Native Nations have unique environmental justice concerns and valuable historical, cultural, and ecological knowledge of California lands and resources. The Commission will seek indigenous perspectives and expertise in furtherance of the Commission's Tribal Consultation Policy and Environmental Justice 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.

Staff will receive ongoing environmental justice training to understand what environmental justice is and how environmental justice considerations should be incorporated into their everyday work.

STRATEGIES TO ACCOMPLISH THIS GOAL:

- 3.1. Provide staff with educational materials about environmental justice and equity. Build a collection of relevant environmental justice materials and resources. Provide comprehensive and continuous environmental justice and equity training for staff. Incorporate environmental justice training into new employee training.
- 3.2. Establish an Environmental Justice Liaison who will be the Commission's first point of contact with environmental justice communities, which will provide more effective and personalized responses to issues and facilitate ongoing communication among staff and environmental justice communities. The Liaison will outreach to communities, identify issues of concern, and recommend solutions.
- 3.3. Partner and collaborate with agencies, Native Nations and tribal land trusts, nonprofit organizations, and others that are knowledgeable about environmental justice issues. Leverage collaboration to host outreach meetings and brainstorm solutions.
- 3.4. Develop environmental justice champions throughout the Commission. Integrate environmental justice considerations into all aspects of the Commission's work.

Exhibit A

- 3.5. Encourage and teach staff to incorporate environmental justice issue identification, research, and analysis into division and program work.
- 3.6. Embrace, share and implement lessons about social and racial equity learned from the Commission's participation in the Government Alliance on Race and Equity Cohort.⁷
- 3.7. Continuously assess staff capacity and workload and leverage resources to ensure that staff can fulfill the goals of this policy.
- 3.8. Incorporate and prioritize implementation of the Policy in the Commission's Strategic Plan.
- 3.9. Empower staff to challenge the norm, be innovative and empathetic, 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. Staff will identify and explain the factors that it 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.
- 4.3. Include an environmental justice analysis in staff reports for projects that impact marginalized or disadvantaged communities.

⁷ <https://www.racialequityalliance.org/>

Exhibit A

GOAL 5.0: REDUCE IMPACTS.

Foster a culture that focuses on reducing and avoiding impacts and scrutinizing the value of a proposed project based on 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.

Leverage the Commission's management and authority over State-owned 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 natural resources for all.

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 the California Environmental Quality Act review process.

6.2. Develop partnerships with ports, harbor districts, and grantees and lessees to minimize and reduce environmental and health impacts on vulnerable communities from industrial activity or the logistics industry.

6.3. Seek opportunities to preserve, protect, and expand public access to Public Trust lands and resources for everyone, and especially for marginalized, disadvantaged, and tribal communities.

Exhibit A

GOAL 7.0: IMPROVE PUBLIC ENGAGEMENT AND TRANSPARENCY.

The Commission will focus on how best to do community engagement and increase transparency, explore different ways to involve communities and seek funding for public engagement.

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 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 Use listservs, social media, the Commission's website, and other technology to communicate with environmental justice communities.

7.4. Ensure that public notices are available to disadvantaged and marginalized communities.

7.5. Improve the readability of public documents, including CEQA documents, staff reports, and lease applications. Use plain language and fewer acronyms and, where appropriate, translate documents into other languages.

7.6. Incorporate environmental justice topics and concerns into consultations under the Tribal Consultation Policy.

7.7. 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.

Exhibit A

GOAL 8.0: ENCOURAGE COMMUNITY-ORIENTED LESSEES.

The Commission will leverage its management and authority over State-owned 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 needs and vulnerabilities.

STRATEGIES TO ACCOMPLISH THIS GOAL:

8.1. Work with potential lessees early in the planning process to develop projects that will be consistent with the Public Trust and will reduce impacts and provide benefits to vulnerable neighboring communities.

GOAL 9.0: ENSURE ACCOUNTABILITY

The Commission and its staff will be held accountable through measurable goals and mechanisms for evaluating and re-assessing 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, Native Nations, and others to ensure that it fulfills the policy expectations and is beneficial to 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:

9.1. Establish an external environmental justice advisory group that will meet one to four times annually and advise the Commission and staff on the effectiveness of the Commission's environmental justice policy and implementation plan.

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

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

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

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?

Exhibit C

- 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

Exhibit D

- 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

Staff Responses to Comments Received on the Draft Environmental Justice Policy

Commenter: Environmental Justice Working Group ¹ (Received June 15, 2018)

Priorities for Ensuring a More Inclusive and Transparent Decision-Making Process

1. Staff and Commission (Recommendations, Page 8)

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| <p>Comment 1.a: <i>Provide regular and consistent training on environmental justice and social equity. Train agency staff to properly identify EJ issues and the communities disproportionately impacted by environmental burdens. Encourage staff to participate in EJ tours to better understand the scale of exposure to pollution and other burdens that fenceline communities experience. Create opportunities for genuine relationships between the agency and the communities affected by its decisions. Hire staff that have EJ training and seek opportunities to hire from EJ communities. Develop EJ champions in and throughout the agency.</i></p> | <p>Response: Staff agrees and have included these suggestions in the Policy or Implementation Blueprint. Staff agrees that hiring staff with backgrounds in environmental justice is important and will help achieve the goals in the Policy. While staff will strive to do this, it may take time owing to state hiring requirements. Staff has participated in EJ tours and will continue seeking opportunities to create genuine relationships between the Commission and the communities affected by its decisions.</p> |
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¹ Please note, the Environmental Justice Working Group Recommendations to the Commission can be found in full at: <http://www.slc.ca.gov/Info/EJ/EJRecsSLCEJPolicy6-21-18.pdf>

Exhibit E

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| <p>Comment 1.b: <i>Engage Commissioners on EJ issues early in the decision-making process. Expand the Commission to include EJ representation and geographic diversity. Establish an EJ advisory group to the Commission similar to other agencies, such as the EJ Advisory Committee at the California Air Resources Board and the Disadvantaged Communities Advisory Group at the California Public Utilities Commission. Provide resources for EJ representatives to participate.</i></p> | <p>Response: Staff is committed to ensuring that the Commissioners are informed about environmental justice issues and agrees that it is important that the Commissioners are informed early in the decision-making process. Staff believes that goal is reflected throughout the Policy. Staff agrees that establishing an EJ advisory group like other agencies have done would be helpful. This suggestion, like the suggestion to expand the Commission, requires funding or legislative authorization.</p> |
| <p>Comment 1.c: <i>Enable and support the development of programs to improve conditions in EJ communities, such as allowing mitigation of impacts from granted lands and other trust lands and uses, and creatively using trust resources.</i></p> | <p>Response: Staff shares the goal of improving conditions in EJ communities and believes that the Policy, on balance, addresses this comment. Specific strategies that address the ways staff can support or enable programs to improve conditions in EJ communities are in the Implementation Blueprint, particularly under goals 5 and 6. Staff will continue to develop these strategies as part of its future Implementation Plan. Staff also intends to assess the progress and efficacy of policy implementation to ensure that EJ issues and concerns are considered in all applicable areas of the Commission’s work.</p> |
| <p>Comment 1.d: <i>Develop concrete, specific, and achievable action plans to implement the new EJ Policy successfully for the next five years. Integrate EJ plans into the strategic plan. Produce annual status reports, including metrics on the quality of engagement of EJ communities in key Commission decisions. Assess implementation of the updated EJ Policy after the initial five-year plan.</i></p> | <p>Response: Staff wholeheartedly agrees. Staff views this recommendation as falling in the category of accountability, which is a key goal in the Policy. Integrating EJ plans into the strategic plan, annual status reports, and implementation assessment is included in the Policy. Staff agrees with the suggestion to develop concrete, specific, and achievable action plans to implement the Policy successfully in the coming years. Staff will work on this in the coming months and years.</p> |

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| <p>Comment 1.e: <i>Set bold statewide goals on one or more significant EJ issues, such as leading a pollution reduction strategy of the logistics industry on the entire California coast, instead of only at individual ports.</i></p> | <p>Response: There are existing statewide goals to support cleaner industry and transition away from fossil fuel. The Policy commits to supporting these goals. This is also a goal in our Strategic Plan2. Pollution reduction strategies, including pollution reduction for the logistics industry, are goals that we share. They will be reflected in the next Strategic Plan and are key priorities in the Policy. The Commission will seek to lead by example and seek opportunities to support cleaner industry and reduce pollution from the logistics industry.</p> |
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2. Community Engagement (Recommendations, Page 8-9)

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| <p>Comment 2.a: <i>Develop and implement meaningful public participation processes, inclusive of groups historically disadvantaged from government and environmental decisions. Connect with communities at the beginning of a decision-making process and continue engaging them throughout, including opportunities in implementation. Coordinate with local governments and consider contracting nonprofit groups to reach community members. Ensure that municipal managers of granted lands, such as ports, engage in similar efforts. Accommodate EJ communities' participation needs in project decisions by setting meeting times accessible for working families, selecting familiar community locations for meetings, partnering with local community-based groups, providing childcare during meetings, and addressing other barriers to participation.</i></p> | <p>Response: Staff agrees with these recommendations and believe that its Policy is grounded in meaningful public participation. Staff wants to hear from people that have historically not been engaged in the governmental process and staff wants to develop and sustain meaningful relationships with communities. The Policy sets out “Increase Public Participation” as a key goal. There are state constraints relating to meeting times, locations, and offering childcare, but staff will strive to select familiar and convenient community locations and explore childcare options, such as partnering with community-based organizations that can provide childcare. Staff will explore ways to accommodate EJ communities' participation needs and address other barriers to participation.</p> |
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| <p>Comment 2.b: <i>Learn to properly identify EJ communities through research, tools such as CalEnviroScreen, outreach methods, and personal connections with EJ groups on the ground. Avoid misidentifying EJ communities or grouping all people of color under the EJ umbrella.</i></p> | <p>Response: Staff agrees. The Policy reflects this suggestion, calling for using tools, such as CalEnviroScreen, that assess where there are marginalized or disadvantaged communities in proximity to project and lease applications and policy decisions. Staff intends to establish an environmental justice liaison position. The liaison would help with properly identifying EJ communities. Staff believes the outreach done over the past year is a solid start, and that the relationships and contacts staff made will grow and result in more personal connections with EJ groups.</p> |
| <p>Comment 2.c: <i>Ensure that the Commission's noticing practices, as well as those of municipal managers of its granted lands (such as ports), are proactive and effective in engaging low-income communities and communities of color. Translation and interpretation are key components of an effective noticing strategy in EJ communities.</i></p> | <p>Response: Ensuring that notices for projects and meetings are effective at engaging low-income communities and communities of color is a goal staff shares and addressing that issue will feature prominently in the implementation phase. For granted lands, staff will work closely with municipal managers to explore ways to effectively provide notice to environmental justice communities and non-English proficient communities.</p> |

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3. EJ Engagement (Recommendations, Pages 9-10)

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| <p>Comment 3.a: <i>Staff reports will include descriptions of EJ communities, EJ issues and detail out EJ concerns. Staff are trained on EJ to properly identify what EJ and EJ communities are in the EJ Policy so there's no misrepresentation. For example, staff have incorrectly identified Latino businesses as EJ, when in fact the EJ groups were on the opposite side of the issue in a desalination project. Study the EJ nexus for major agenda items like ports, oil and gas, and other issues described in section IV of this document.</i></p> | <p>Response: Staff agrees that staff should be trained to properly identify EJ communities. Staff training is a core element of the Implementation Blueprint. Identification of and engagement with EJ communities, and EJ analysis of proposed Commission actions are key Policy goals. Goal 4.0 in the Implementation Blueprint calls for environmental justice analysis that will include descriptions of EJ communities, EJ issues, and explain EJ concerns. Training will help ensure that staff can properly identify environmental justice communities and assess the EJ nexus for major agenda items. It will also cultivate empathy.</p> |
| <p>Comment 3.b: <i>Include an EJ analysis in each CEQA document, (including Negative Declarations, Mitigated Negative Declarations, etc.). Develop a set of principles and protocols to guide EJ review and assessment of project leases, conditions, implementation, and mitigation. Ensure that this review process and protocol are publicly shared, transparent and posted on the Commission website.</i></p> | <p>Response: Staff is evaluating different mechanisms for incorporating an environmental justice analysis into the decision-making process for projects that are subject to CEQA. The Commission's practice has been to include an environmental justice section in its Environmental Impact Reports, but not in other CEQA documents. Staff is developing an environmental justice assessment component that will be incorporated into staff reports to better inform the Commissioners of the potential impacts to EJ communities from a proposed project. While staff has not settled on a final mechanism for accomplishing these goals, staff plans to address this further in the Implementation Plan.</p> |
| <p>Comment 3.c: <i>Develop an adequate environmental justice analysis that accounts for cumulative impacts, health thresholds, and, in the case of fossil fuel facilities, fossil fuel quality (including life cycle, carbon intensity, criteria air pollutants, volume of pollutants). Require assessment of project impacts on coastal access by disadvantaged</i></p> | <p>Response: A tenant of the Policy is to develop a comprehensive environmental justice analysis that will identify potential burdens and benefits to EJ communities from a proposed project. Although staff has not gone into this level of detail in in the Policy itself, this guidance will be helpful for developing the Implementation Plan and training staff on</p> |

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| <p><i>communities. Employ precautionary principle approaches to prevent harm instead of allowing risks to health, especially in vulnerable populations. Provide guidance to allowing risks to health, especially in vulnerable populations. Provide guidance to municipal managers of granted lands, such as ports, to ensure they engage in the same practices.</i></p> | <p>how to conduct a meaningful environmental justice analysis. Staff is also committed to working with the Commission’s grantees through cooperative partnerships to advance environmental justice.</p> |
| <p>Comment 3.d: <i>Assess the needs of EJ communities and work to ensure that project benefits meet these needs. Ensure that projects deliver multiple economic, social, and health benefits to disadvantaged communities. Economic benefits include local workforce development, employment opportunities for residents, and protection of critical infrastructure and existing shoreline communities. Social benefits include working with local organizations and businesses to engage local residents and assist them in gaining skills related to natural resource protection. Other benefits that alleviate multiple stressors within communities include, but are not limited to, addressing the need for additional recreational amenities, climate change resiliency, reductions in pollution burden, greater civic engagement, and enhanced leadership development opportunities. Provide guidance to municipal managers of granted lands, such as ports, to ensure they engage in the same practices.</i></p> | <p>Response: While the Policy does not go into this level of detail, the Policy goals include promoting equity, increasing and encouraging equitable public access, and reaching out to communities to hear what benefits they would like to see from a proposed project or at a particular location.</p> |

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| <p>Comment 3.e: <i>Train the appropriate staff to utilize tools that identify EJ communities where they live, work, and recreate. Consider tools for EJ already in use in California including CalEnviroScreen, EJ Screening Method, Healthy Places Index, the sacred lands inventory and others that account for climate vulnerability, sea level rise, public access to open space, indigenous and tribal communities, etc. The Commission should consider developing a screening tool that is tailored to Commission’s needs and programs.</i></p> | <p>Response: Staff agrees. Investing in employee training and leveraging technology are included in the Implementation Blueprint. Staff will continue to develop specifics on what training will entail and how technology will be used and anticipate that both will evolve as new information and resources become available.</p> |
| <p>Comment 3.f: <i>Utilize a forward-looking vision of the public trust doctrine such as the one articulated by experts in The Public Trust Doctrine: A Guiding Principle for Governing California's Coast Under Climate Change. Include sacred site and environmental justice considerations within public trust analysis.</i></p> | <p>Response: Staff values the Center for Ocean Solutions document and agrees that the Public Trust Doctrine is an evolving Doctrine. Staff will explore ways to include sacred site and environmental justice considerations within the Commission’s Public Trust and best interest of the State analyses.</p> |
| <p>Comment 3.g: <i>Refrain from seeking compensation from EJ groups to recover agency costs, including administrative, paralegal and attorney time spent on record preparation when public interest petitioners pursue litigation against SLC.</i></p> | <p>Response: Staff is sensitive to the fact that litigation is often the last resort for environmental justice communities, and that litigation is expensive and frustrating. The Commission is obligated to limit the state’s liability to the greatest extent feasible. In litigation, the strategies used to limit liability are decided in consultation with the Attorney General's Office and depend on the specific circumstances of a case. Absent legislative direction or guidance from the Attorney General’s Office, the Policy cannot make commitments about future litigation.</p> |

Exhibit E

Priorities for Integrating EJ into Key SLC Programs and Issues

1. California Native American Tribes and Indigenous Peoples (Recommendations, Page 11)

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| <p>Comment: <i>Honor the relationship of indigenous peoples to lands that are now claimed by the state of California. As a state agency, SLC must engage in government-to-government consultation with California Native American Tribes. This obligation should be acknowledged and undertaken first. SB 18 (Burton, 2004) provides first right of refusal to Tribes for open space management. Expand opportunities to help landless Tribes purchase ancestral lands, as the Coastal Conservancy has done.</i></p> | <p>Response: The Policy reflects the Commission’s commitment to honoring the importance of Tribes' ancestral homelands. The Commission’s Tribal Consultation Policy is the primary policy document concerning government-to-government consultation with Native American Tribes. The Commission welcomes proposals from Tribes to manage open space under the Commission’s jurisdiction. Proposals could include leases or agreements with Tribes to protect or use ancestral sites, sacred lands, or other lands of importance to Tribes. Although the Commission generally cannot sell lands under its jurisdiction, staff believes that the Policy includes language that lays the groundwork for better protection and management of ancestral homelands by Tribes. An example of the Commission’s efforts already underway is its partnership with Owens Valley Tribes and others to develop a Tribal Values Nomination to the National Register of Historic Places for the Owens Lake and surrounding areas. If the nomination is accepted, Owens Lake will achieve a higher level of recognition and protection, and the voices and management priorities of the Tribes will be elevated significantly.</p> |
| <p>Comment 1.a: <i>Build the capacities of Native nations to protect sacred lands.</i></p> | <p>Response: Staff incorporated this suggestion into the Policy by including language that the Commission will: "Actively support opportunities to empower Tribes to protect, restore, and manage their ancestral lands."</p> |

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| <p>Comment 1.b: <i>Address erasure of indigenous peoples.</i></p> | <p>Response: Staff struggled with how to incorporate this comment into the Policy as a concrete, measurable principle. But believes it is reflected in the goal to: "Honor the Importance of Tribes' Ancestral Homelands." Staff has also committed, through the Tribal Consultation Policy and appointment of a Tribal Liaison, to ensure tribal history and input are represented in Commission documents comprehensively and from Tribes' own perspectives. Staff welcomes suggestions for more specific actions that could become part of the future Implementation Plan.</p> |
| <p>Comment 1.c: <i>Lift up perspectives of California Native Nations and identify opportunities to codify support for traditional land and water management practices.</i></p> | <p>Response: Staff attempted to address this comment by adding the following language to the Policy: "Support opportunities to advance traditional use and enjoyment of ancestral lands by tribal communities by facilitating and prioritizing access to and use, restoration, and management of state-owned lands by tribes with historical connections to the land. Protect cultural resources and preserve sacred and culturally important sites whenever possible." Staff believes that the Commission can use these principles to facilitate returning management of certain lands to tribes through the legal avenues available to the Commission (leases). Staff is aware that these efforts would require coordination with other agencies and governmental entities that regulate water and resource management.</p> |
| <p>Comment 1.d: <i>Support California Native American Tribes around land returns and tribal management and/or co-management of restored lands as part of a just transition.</i></p> | <p>Response: Please see the response above.</p> |

Exhibit E

2. Climate Adaptation and Resilience (Recommendations, Page 11-12)

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| <p>Comment: <i>While climate change will affect everyone, not everyone will be affected the same way, nor have the same ability to recover. The most vulnerable and disadvantaged communities need the most help because they often lack the resources to relocate, find jobs, and seek medical support. Consider frontline communities first in the development and implementation of climate adaptation programs, including adaptation to sea level rise.</i></p> | <p>Response: The Policy includes a goal to advance climate equity, including to prioritize social equity and disadvantaged communities in sea-level rise planning and adaptation strategies.</p> |
| <p>Comment 2.a: <i>Study, include and implement climate resiliency and adaptation for EJ communities as outlined in the Climate Justice section of the Safeguarding California Plan for adaptation (2018 update) as it relates to the jurisdiction of the SLC.</i></p> | <p>Response: Staff believes this comment has been incorporated within the Policy goal to “Advance Climate Equity,” as well as the Policy goals to "Analyze Impacts/Identify Benefits" and "Reduce Impacts/Increase Benefits."</p> |
| <p>Comment 2.b: <i>Implement principles from the Public Trust doctrine relating to sea-level rise.</i></p> | <p>Response: The Commission includes a climate change/sea level rise analysis in most of its staff reports. Staff believes that this practice, coupled with the environmental justice analysis called for in the Policy, will accomplish this goal.</p> |
| <p>Comment 2.c: <i>Study “just transition” strategies that EJ leaders are developing to move away from an extractive economy that negatively impacts indigenous people and EJ communities, and instead moves toward a local living economy and resiliency practices that honor our relationship with the natural world.</i></p> | <p>Response: Staff agrees with studying just transition strategies that EJ leaders are developing to move away from an extractive economy. Staff is also committed to investing in staff training and believes that materials on the just transition philosophy could be a component of staff training.</p> |

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| <p>Comment 2.d: <i>Support allocation of comparable resources, including funding for disadvantaged communities, to the more than 150 Native Nations in California to support their development of adaptation and resilience strategies for their communities.</i></p> | <p>Response: The Policy embraces equitable benefits and adaptation and resilience strategies for disadvantaged communities and Native Nations. Goal 5 states that the Commission will “Encourage changes in project proposals that will create greater equity in the distribution of environmental benefits and burdens.” The Policy also prioritizes climate equity. The Commission traditionally has not been allocated funding to provide resources for these types of projects or strategies. But part of what staff hopes to achieve with the Policy is to spark innovation and draw attention to these issues.</p> |
| <p>Comment 2.e: <i>Where appropriate, protect communities along the State’s shoreline using natural habitats to stem the risks of severe coastal flooding caused by storms and high-water levels. Promote nature-based flood protection through wetland and habitat restoration. Support construction and/or improvement of flood protection levees that are a necessary part of wetland restoration activities and protect existing shoreline communities, agriculture, and infrastructure.</i></p> | <p>Response: Staff agrees and feels these are critical strategies. Staff is collaborating with the California Coastal Commission to develop mechanisms and processes for working toward these goals. The Policy identifies protection of coastal habitat and preservation of public access a priority but also recognizes that these goals must be balanced with the protection of existing water-dependent infrastructure. The Policy also calls for prioritizing social equity and disadvantaged communities in sea-level rise planning.</p> |
| <p>Comment 2.f: <i>Take steps to ensure that sea-level rise does not exacerbate differential coastal access across income and racial lines, including incorporating consideration of those issues in permitting commercial uses of public trust lands and resources.</i></p> | <p>Response: Staff agrees with taking steps to ensure that sea-level rise does not exacerbate differential coastal access across income and racial lines and agree with incorporating consideration of those issues in decisions about commercial use of Public Trust lands and resources. The Policy calls for prioritizing social equity and disadvantaged communities in sea-level rise planning and adaptation strategies.</p> |

Exhibit E

3. Oil and Gas Operations (Recommendations, Page 12)

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| <p>Comment 3.a: <i>Prevent harm from fossil fuels, from cradle to grave, from extraction to burning. Wherever the Commission has jurisdiction or tools to provide leverage, clean up oil and gas operations in EJ communities, especially where those operations are close to homes, schools, or other sensitive receptors. Consider zero-waste strategies. Where the SLC has jurisdiction, make efforts to set back oil drilling from homes and sensitive receptors.</i></p> | <p>Response: Preventing harm from fossil fuels is a priority for the State of California and for the Commission. In recent decades, the Commission has steadfastly opposed new offshore oil development, and continues to oppose it, now more than ever. Staff understands that many marginalized or disadvantaged people live in communities that are affected by pollution from the fossil fuel industry. Commission staff faces dualities; staff understands the human dimension of these problems, but also must act as representatives of an agency that must stay within the boundaries of its authority. Staff will strive to be creative and will embrace the goal of responsibly transitioning away from fossil fuels. Staff hopes that in implementing the Policy the Commission can be a model for other agencies, encouraging them to act in kind, and that the Commission’s actions reinforce the state’s goal of moving expeditiously away from fossil fuels. Staff is committed to helping California achieve this objective.</p> <p>Staff agrees that zero waste strategies are important, especially at a time when there are fewer resources and a growing population. To be responsible stewards of the lands entrusted to the Commission and to ensure sustainability in the future, the Commission will consider zero or near zero waste strategies in its own business and in evaluating proposed projects. Staff looks forward to taking on the challenges and bold strides needed to displace fossil fuel consumption in California and achieve a carbon free electricity grid by 2045 and are buoyed by the recent and historic enactment of legislation, SB 100, mandating</p> |
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| | <p>that all California’s retail electricity comes from carbon-free sources by 2045.</p> |
| <p>Comment 3.b: <i>Do not permit new offshore oil drilling. Fight federal plans to open the California coast to offshore drilling.</i></p> | <p>Response: Staff wholeheartedly agrees. The last time the Commission authorized a new offshore oil or gas lease was nearly 50 years ago. In recent years, and especially during the past two years, the Commission has strenuously opposed federal plans to open California’s coast to offshore oil drilling.</p> |
| <p>Comment 3.c: <i>Limit the expansion of oil refineries, including the Tesoro refinery in Wilmington and Chevron Refinery in Richmond, where new or expanded operations require SLC leases.</i></p> | <p>Response: Staff shares concerns about impacts from oil refineries but notes that the Commission lacks jurisdiction over oil refineries. The Policy calls for early and sustained public engagement when the Commission receives any lease application for an activity that raises environmental justice issues, which would include any proposals involving oil and gas. The Policy, however, cannot limit a specific activity, absent legislative direction, because the Commission is required to comprehensively review proposed leases and assess whether a lease would be in the best interests of the State. But the policy goals are intended to ensure that the impacts of potential Commission actions on environmental justice communities are fully considered and that voices from these communities are taken into account.</p> |
| <p>Comment 3.d: <i>Prevent the expansion and renewal of marine and coastal oil terminals and pipelines. Account for impacts upstream (like the quality of crude oil and carbon intensity) and downstream on</i></p> | <p>Response: Staff understands that pollution associated with oil refineries is a source of profound daily concern for environmental justice communities. Staff understands that preventing expansion of the infrastructure that allows for oil and gas to be transported through</p> |

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| <p><i>communities and the environment, including in the environmental impact report.</i></p> | <p>the state is a priority for environmental justice communities, and staff is committed to trying to find creative ways to alleviate burdens on environmental justice communities.</p> <p>When it comes to expansion of terminals and pipelines, expansion may mean different things with different implications for how the Commission may be able to address them. In the context of expansion or new construction, a proposal for new construction would require an EIR or some other form of environmental review. Expansion in the context of increasing the capacity or throughput of existing facilities involves different regulations. Because oil and gas pipelines involve commerce between states or nations, the Commission must not overstep constitutional boundaries. Since the Commission is not a commodity regulator, it cannot regulate the type of product that can be transported. But staff takes these concerns seriously. When it comes to accounting for impacts, staff fully supports evaluation of direct and indirect operational impacts. When the Commission is a lead agency on a project and prepares a CEQA document, staff analyzes the direct and indirect impacts as well as growth-inducing impacts for proposed projects. When the Commission is a responsible agency, the review is more limited. The mitigation measures the Commission can impose are limited to those that mitigate impacts to natural resources within the Commission’s statutory authority.</p> |
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| <p>Comment 3.e: <i>Stop new fossil fuel power plants, liquefied natural gas, and other fossil fuel export terminals from being built in EJ communities and elsewhere within Commission jurisdiction.</i></p> | <p>Response: Staff believes that this comment aligns with California’s commitment to displace fossil fuel consumption, embrace renewable energy, and advance environmental justice. Staff is eager to contribute toward these goals through implementation of its Policy. The Policy embraces early public engagement and cleaner industry, and staff believes it will provide future Commissioners with tools to make decisions based on a full understanding of the consequences certain projects can have on communities and the environment, and how they can contribute to environmental injustice. The Commission has greater control over siting decisions for new facility development proposed within the Commission’s jurisdiction; however, like any proposal the Commission receives, it is assessed on a case-by-case basis.</p> |
| <p>Comment 3.f: <i>Champion the 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. Require companies to clean up and fund decommissioning of projects.</i></p> | <p>Response: Staff agrees with championing efforts to transition California off fossil fuels and promoting renewable energy projects that benefits disadvantaged communities. The Commission must evaluate each project on its own merits, on a case by case basis, considering the State’s best interests and vested contract and the property rights of its lessees. Staff supports the timely and responsible decommissioning of oil and gas facilities.</p> <p>The Commission supports and encourages the expansion of renewable energy, and the reduction of fossil fuel dependency, through development of an energy portfolio that embraces renewable energy. The Commission is not a utility regulator and lacks control over where a project proponent wants their project located. But to the extent that these projects fall within the Commission’s leasing jurisdiction, staff</p> |

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| | <p>will consider how a proposed project’s benefits and burdens are distributed, making every effort to ensure greater equity in the distribution of benefits and burdens.</p> <p>The Commission’s lessees are required to fund cleanup and decommissioning activities under the terms of their leases. Even so, staff has discovered that enforcing these provisions can be challenging because of factors outside of its control. Staff is, however, committed to being proactive and identifying legal mechanisms to ensure that lessees fulfill their clean up obligations.</p> |
| <p>Comment 3.g: <i>Work with California Native American Tribes, local EJ communities, and local governments to develop a process for a just transition, including job training for impacted workers and communities from decommissioning projects. Work especially with California Native American Tribes around land returns and tribal management and/or co-management of restored lands as part of a just transition.</i></p> | <p>Response: Addressing the just transition for impacted workers and communities from decommissioning projects is important. Staff would welcome the prospect of exploring opportunities to encourage job training or figure out other ways to accomplish this goal. Please see responses to Comments 1.a-1.d above regarding how staff envisions working with Native American Tribes. Staff hopes to continue engagement with environmental justice communities and tribal members about this concept and would welcome doing so in collaboration with local governments.</p> |
| <p>Comment 3.h: <i>Prepare a schedule of potential lease renewals for oil and gas facilities and share this with EJ communities to facilitate participation in the process of reviewing applications.</i></p> | <p>Response: Staff understands that a schedule of potential lease renewals would be helpful to environmental justice communities wishing to engage in the decision-making process. Staff will work on ways to make information regarding pending lease renewals and new proposed projects under Commission review available on our website. Staff is also exploring ways to make email and contact links for other</p> |

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| | <p>agencies available through the Commission’s website to better facilitate input from the public and be responsive to concerns about a project.</p> |
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4. Ports and Transportation (Recommendations, Page 13)

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| <p>Comment 4.a: <i>Push for the clean-up of ports and freight, given the incompatible land uses with residential communities. Fully mitigate impacts on disadvantaged communities from commercial activities that take place on, and originate from, public trust lands. Apply a vision of trust responsibilities that allows mitigation resources, including those that may be understood as “public trust resources,” to be used to benefit disadvantaged communities that are negatively impacted by commercial activities that take place on, and originate from, public trust lands, even if those lands are not immediately adjacent to the coast. Using SLC’s authority to interpret the terms of trust grants, guide local governments who operate municipal ports to prevent and reduce negative impacts to surrounding EJ communities.</i></p> | <p>Response: Staff supports making ports greener and cleaner, and mitigating negative impacts on disadvantaged communities. The Policy includes goals intended to swing the pendulum in this direction. The Commission's authority, however, is limited when it comes to granted lands. Please see the response to comment 4.d. on page 18 for a more detailed description of the Commission's authority over granted lands. Staff notes that many different agencies and levels of government are involved in regulatory activities relating to these goals, including the California Air Resources Board and local air quality districts. Land use decisions are generally a function of local zoning law.</p> |
| <p>Comment 4.b: <i>Promote clean transportation and zero emission vehicle adoption to reduce pollution at ports. Recognize that ports are also responsible for air pollution generated by trucks and work with responsible parties to reduce and mitigate this pollution.</i></p> | <p>Response: A key Policy goal is to support cleaner industry, which includes collaborating with regulatory agencies, industry, environmental groups and lessees to prioritize energy efficiency and clean energy, with the goal of achieving near zero emissions. In the implementation phase, staff intends to do a deeper dive into identifying specific leverage points the Commission may have to work with ports to facilitate zero emission vehicles. Strategy 6.2 in the Implementation Blueprint also addresses these issues.</p> |

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| <p>Comment 4.c: <i>Play a role in the efforts of other state agencies to reduce pollution from the entire logistics industry.</i></p> | <p>Response: Staff agrees that working with other agencies is critical to effectively address pollution from the logistics industry, and the Policy reflects this goal. Goal 8.a. calls for leveraging partnerships with other agencies to advance environmental justice. Goal 9 is to support cleaner industry, which includes the logistics industry. Exploring what role the Commission can play in the efforts of other state agencies to reduce pollution is something that staff will work on during the implementation phase. Strategy 6.2 of the Implementation Blueprint is intended to facilitate inter-agency efforts to minimize and reduce environmental and health impacts on vulnerable communities from port industrial activities.</p> |
| <p>Comment 4.d: <i>Use oversight authority over public trust lands granted to ports to prevent controversial fossil fuel infrastructure development on port lands, such as the proposed coal export hub in Oakland that, if built, could ship millions of tons of coal per year overseas and further harm communities suffering from poor air quality and adverse health impacts.</i></p> | <p>Response: The Commission's oversight authority over granted public trust lands is complex. When the Legislature grants lands to local jurisdictions, those jurisdictions take over the day-to-day management of those lands. The State, through the Commission, retains residual oversight authority regarding a grantee's administration of those lands. The Commission has a duty to ensure that the local trustees of Public Trust lands operate their trust grants in conformance with the California Constitution, granting statutes, and the Public Trust Doctrine. In most cases, staff conducts oversight by commenting on projects, such as during the CEQA process, or by working collaboratively with trustees to assist in determining whether uses facilitate the public's use and enjoyment of its lands. Unless the legislative trust grant provides for specific duties to the Commission, its remedies to address a trustee's actions are limited to litigation or reporting to the Legislature. Generally, the Commission can only litigate to challenge a grantee's</p> |

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| | <p>action if the use was inconsistent with the Public Trust doctrine, the Constitution, or the statutes governing the management of the granted land. Again, while the Commission's oversight authority does not necessarily authorize the Commission to prevent infrastructure development on port lands, staff hopes to leverage the Policy and its oversight authority to help achieve port land use decisions that are better for environmental justice communities.</p> |
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5. Public Access and Conservation (Recommendations, Pages 13-14)

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| <p>Comment 5.a: <i>Support Native people's ability to engage in cultural activities on their homelands and engage with traditional practitioners in development of conservation and invasive species control plans.</i></p> | <p>Response: Staff recognizes that California's Native Nations have been effective land stewards for countless generations. Staff appreciates that they have valuable experience in controlling invasive species and promoting healthy ecosystems and will seek opportunities to support traditional management practices.</p> <p>As far as invasive species plans or mitigation on a project-by-project basis through lease conditions, CEQA, or some other mechanism, staff will explore the potential for consulting with Native traditional cultural practitioners in developing those plans. Policy Goal 7 identifies "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," "Protect cultural resources and preserve sacred and culturally significant sites whenever possible," and "Actively</p> |
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| | <p>support opportunities to empower Tribes to protect, restore, and manage their ancestral lands."</p> |
| <p>Comment 5.b: <i>Conserve coasts, oceans, and inland waterways, including using expanded cultural perspectives of how Native Americans and communities of color traditionally use or enjoy these natural resources. Challenge narrow racial views of acceptable uses of these areas.</i></p> | <p>Response: Staff agrees and is committed to respecting and applying principles and practices of government-to-government consultation between California Native American Tribes and the state when there is a project that a Tribe has interest in, and this is included in both our Tribal Consultation Policy and our Policy. Staff would like to hear from communities of color about how they traditionally use or would like to be able to use Public Trust resources and to take those perspectives into account. Staff considers this to be reflected in: Policy Goal 3, which focuses on supporting projects that increase public access for communities that have not been able to enjoy them; Policy Goal 4, which includes early outreach with affected communities, and Policy Goal 5, which includes identifying impacts and potential benefits to disadvantaged communities.</p> |
| <p>Comment 5.c: <i>Restore coastal, marine, and freshwater ecosystems, including in and near low-income communities of color.</i></p> | <p>Response: The Commission does not usually undertake restoration projects on its own. Policy Goal 8 is to build trust and form relationships, and includes leveraging partnerships with public agencies, Native Nations, local jurisdictions, and non-governmental organizations for projects and other efforts that protect, conserve, and restore natural resources, cultural resources, and wildlife habitat. Staff will explore ways to encourage applicants to locate restoration projects near low-income communities and communities of color.</p> |

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| <p>Comment 5.d: <i>Encourage blue carbon projects (like seagrass bed restoration) near EJ communities to sequester carbon or mitigate and offset pollution. Locate beneficial marine projects adjacent EJ communities.</i></p> | <p>Response: This is an intriguing idea—one that staff will flag for further study to see whether any reports, surveys, or other studies exist about the potential of blue carbon projects or other carbon sequestration type projects to be sited on Public Trust lands. If these projects seem viable on land within the Commission’s jurisdiction, staff can potentially consider circulating a Request for Proposals or consider including this as mitigation. Staff agrees with the notion of locating beneficial marine projects adjacent to EJ communities.</p> |
| <p>Comment 5.e: <i>Increase access for EJ communities and the public to river corridors, including the San Joaquin river. Encourage conservancy boards and other government entities to do the same.</i></p> | <p>Response: Staff wholeheartedly agrees. Promoting public access for EJ communities is a key element of the Policy and Implementation Blueprint, as is encouraging other public agencies to do the same.</p> |
| <p>Comment 5.f: <i>Actively encourage public access to the state's natural areas especially for disadvantaged communities that live nearby but haven't traditionally been able to enjoy them.</i></p> | <p>Response: Staff wholeheartedly agrees. Actively encouraging public access to the state’s natural areas, especially for disadvantaged communities that live nearby but have not traditionally been able to enjoy them, is a core tenet of the Policy and Implementation Blueprint. When the Policy is implemented, staff will seek to better understand the barriers that disadvantaged communities face to accessing the state’s natural areas and support creative problem solving. Staff encourages further feedback and suggestions on how to improve public access for disadvantaged communities. Staff will continue to advocate for this and educate other public agencies.</p> |

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| <p>Comment 5.g: <i>Enhance the quality of life of residents living in EJ communities through safer and improved public access, in conjunction with wildlife habitat restoration projects across the state. Work with coastal management agencies to promote construction of public access trails, signs, and related facilitates on public lands, and to ensure communities have access to interpretive materials and special outreach events about pollution prevent, wildlife habitat, public access, and flood protection.</i></p> | <p>Response: Staff wholeheartedly agrees. The Policy prioritizes safe and improved public access, which staff hopes will enhance the quality of life of residents in EJ communities. The Policy includes language supporting collaboration with other public entities to promote construction of public access trails and amenities. Staff intends to increase collaboration with coastal management agencies and is heartened to see that many have begun to embrace these goals.</p> |
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6. Renewable Energy (Recommendations, Page 14)

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| <p>Comment 6.a: <i>Promote clean energy infrastructure and site more renewable energy projects in EJ communities, including in the Central Valley. Favor solar project locations that present the highest value to the grid and are closest to subscribers, that use existing structures, and that minimize siting on prime agricultural land. Refer to the 2016 Integrated Energy Policy Resources report by the Energy Commission on the siting of projects. Instead of industrial-scale solar projects, promote smaller photovoltaic installations and distributed generation with a local workforce.</i></p> | <p>Response: Please see the response to Comment 3.f. Staff wholeheartedly supports efforts to expand and develop a responsible energy portfolio that includes more renewable energy. The Commission’s jurisdiction, however, over potential project locations is complex. Because the Commission only received sections 16 and 36 of a township as school lands, there are some uniformity of land issues, and given the relatively small size of these areas there is less economic incentives to draw in large-scale projects that are necessary to generate enough energy. To the extent that state land is used for large scale or industrial energy projects, the Commission can only address the specific improvements on its land. Concerns about energy costs, distribution, and supply should be addressed by the California Energy Commission or California Public Utilities Commission. They are the agencies best suited to address inequity in the availability of benefits to EJ communities from renewable energy and just transition strategies.</p> |
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| | <p>Both agencies have a Disadvantaged Communities Advisory Group. Staff supports and encourages efforts to work with these and other agencies on projects where state land is involved, and more broadly to collaborate to develop strategies to use state land to help transition the state off fossil fuels.</p> |
| <p>Comment 6.b: <i>Within SLC’s jurisdiction, create a vision and a plan to transition California off fossil fuels and increase renewable energy generation from solar, wind and water sources. Prioritize EJ communities in this vision. Work with other agencies to support a just transition strategy, especially jobs for disadvantaged communities and impacted workers, for the decommissioning of oil platforms and power plants, and other land use changes that move away from oil and gas operations on state lands.</i></p> | <p>Response: Staff agrees, embraces this vision, and believes that the Policy embodies it. Please see the response to comment 3.e for further clarification.</p> |

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7. Water and Pollution (Recommendations, Page 14-15)

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| <p>Comment 7.a: <i>Within Commission jurisdiction, work with other agencies to address solid waste, sewage, and sediment that enter water bodies, including the Tijuana River watershed. Include EJ provisions in the lease with the city or county of San Diego to address this problem.</i></p> | <p>Response: Staff agrees with working with other agencies to address solid waste, sewage, and sediment that enter water bodies, including the Tijuana River Watershed. Staff notes that the almost continuous flow of toxic waste and sewage into the Tijuana River and the Pacific Ocean is a significant threat to public health, two state parks, a national wildlife refuge and the health and vitality of environmental justice communities. The Commission recently requested to join in the State’s litigation to halt the flow of toxic waste and sewage from the Tijuana River to the Pacific Ocean. This is an example of the Commission doing what this comment suggests.</p> |
| <p>Comment 7.b: <i>Prevent wastewater runoff from oil and gas extraction into rivers, such as the San Joaquin River. Refer to SB 4 on hydraulic fracturing, or fracking waste, and the 2015 California Council on Science and Technology report, Vol. 3.</i></p> | <p>Response: Staff agrees with the goal of preventing river pollution and protecting the health of Public Trust resources. Staff reviewed the recommended report and understand that there are concerns about the impacts of wastewater associated with hydraulic fracturing. However, the Commission lacks authority to regulate water quality. The regulatory agency that has that authority is the Regional Water Quality Control Board (RWQCB). The Commission owns the land underlying rivers, not the water itself. The Commission would defer to the RWQCB as the subject matter expert on discharges incidental to upland uses wholly outside the Commissions jurisdiction.</p> |
| <p>Comment 7.c: <i>Support ways to address toxic waste coming from industrial facilities such as oil refineries and wells that harm surrounding communities.</i></p> | <p>Response: Although toxic waste is not explicitly addressed in the Policy, Goal 9 emphasizes supporting cleaner industry and would include supporting cleanup of toxic waste. Staff shares this goal and the supports addressing toxic waste coming from industrial facilities.</p> |

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| <p>Comment 7.d: <i>Support addressing water contamination from nitrates and agricultural runoff that seep into rivers and water tables.</i></p> | <p>Response: Staff recognizes that water contamination is a major issue for EJ communities. While the Commission does not have direct regulatory authority over water quality, the Policy creates space for these concerns to be considered as potential impacts from lease applications before the Commission.</p> |
| <p>Comment 7.e: <i>Work with other agencies and permittees to require zero waste strategies to prevent waste problems on water bodies.</i></p> | <p>Response: Staff agrees and supports working with other agencies and lessees to encourage zero waste strategies. Where practicable, staff will consider zero or near zero strategies in its own business and work with other agencies to address waste reduction strategies.</p> |
| <p>Comment 7.f: <i>Analyze the impacts of desalination projects and promote transparency. Consider key factors including the demonstrated need for each proposed project, potential fiscal and budget impacts on the public, any potential conflicts of interest among parties who are funding relevant research, drinking water affordability and access for low-income communities, plans for water distribution after the project is built, and public checks and balances on the project once it begins operation. Consider whether privatized desalination supply projects, in comparison to other alternatives, will serve the public interest in the long run.</i></p> | <p>Response: Staff supports a thorough analysis of all impacts from any project under the Commission’s review and strives for transparency in its decision-making process. The Commission is required to ensure that proposed projects are in the State’s best interests, and the recommended considerations would likely be important in that analysis.</p> |

Exhibit E

8. Waterfront Development (Recommendations, Page 15)

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| <p>Comment 8.a: <i>Ensure that waterfront development projects benefit disadvantaged communities.</i></p> | <p>Response: Staff agrees that waterfront development projects should benefit disadvantaged communities. Staff is examining its role and options to promote that goal. California’s waterfronts should be an inviting destination for everyone, and green space/open space should be included in waterfront redevelopment projects. Staff believes that several goals in the Policy are oriented toward ensuring that waterfront development benefits disadvantaged communities.</p> <p>Typically, the Commission has reacted to applications for proposed projects rather than pre-determining what type of project it would like to see in an area and then seeking proposals, which often makes it harder to redesign the project or seek alternate proposals for the site. However, for land within the Commission’s jurisdiction, staff is open to proactively assessing what Public Trust needs and uses would be beneficial in a particular area, depending on the staffing and funding resources provided and available. Staff envisions encouraging trustees to meet with surrounding communities, particularly environmental justice communities, to hear what these communities would like to see at a site. Because Public Trust lands are held in trust for all the people of California, they must be used to serve statewide goals, as opposed to purposes that provide purely local benefits. Much waterfront land in California has been granted to local jurisdictions. There, the Commission does not issue leases; the local grantee does. Please see the response to comment 4.d on page 18 for more clarification about the Commission's oversight authority.</p> |
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| <p>Comment 8.b: <i>Deny approval for development projects that negatively impact EJ communities and ensure that local governments administering granted lands do the same.</i></p> | <p>Response: A key goal of the Policy is to reduce or eliminate negative impacts to environmental justice communities. While staff strongly feels the urgency and necessity to reduce negative impacts on environmental justice communities and intends to use this Policy as a tool to do so, it does not have the authority to commit to the Commission’s denial of all projects that have negative impacts on environmental justice communities. The Commission must weigh each proposed project's merits in its own discretion, which prevents a blanket policy of denial. Nevertheless, Policy Goals 5 and 6 are intended to ensure that the potential impacts on EJ communities are considered.</p> |
| <p>Comment 8.c: <i>Promote development projects that clean up and revitalize EJ communities and move away from toxic land uses.</i></p> | <p>Response: Staff understands that revitalization and a transition away from toxic land uses is of critical concern to environmental justice communities. In the implementation phase, staff will explore what these projects might look like and ways the Commission could promote them.</p> |
| <p>Comment 8.d: <i>Develop and implement waterfront development policies that support affordable housing, beach access, and parks for communities such as Wilmington that exist in the shadow of multiple industrial facilities.</i></p> | <p>Response: The Public Trust Doctrine is based on the principle that everybody should be able to access and enjoy Public Trust lands. Because residential uses can interfere with public access, they have been considered to be inconsistent with this principle, but other uses like parks and beach access would be Public Trust consistent. Policy Goal 3 is to support equitable public access and encourage projects that promote public access and beach access for communities that have not traditionally been able to enjoy these public resources. This would apply to waterfront development, and it underscores that beach</p> |

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| | <p>access and parks for communities, such as Wilmington, that exist in the shadow of multiple industrial facilities, is a priority. Policy Goal 6 speaks to reducing adverse effects on vulnerable communities, such as inadequate access to open space.</p> |
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Commenter: Environmental Justice Working Group (Received August 23, 2018)

I. EJ Representation

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| <p>Comment A: <i>Decision-making power. A key principle in the EJ movement is that “we speak for ourselves” because impacted people have the right to decide what is best for their families and communities. We like the idea of cultivating EJ champions throughout the agency and would urge SLC to meet this goal by seeking people who come from EJ communities. Moreover, these EJ champions within the agency should have decision-making power—whether as a Commissioner or high-level staff. Improve section 7. Build Trust and Form Relationships, 11. Accountability, Goal 3 Educate and Empower Staff.</i></p> | <p>Response: Staff agrees that hiring staff with backgrounds in environmental justice is important and will help achieve the goals in the Policy. While staff will strive to do this, it may take time due to state hiring constraints. With the implementation of this Policy, staff envisions a cultural shift at the Commission where all employees will be informed of environmental justice issues. By training staff and developing EJ champions, the Policy will ensure that environmental justice issues are considered as part of the decision-making process. Staff believes this will be fleshed out in more detail as the Commission turns towards implementation.</p> |
| <p>Comment B: <i>Advised by EJ experts. Given our decades of experience with government agencies working toward EJ, we see that direct partnerships with EJ organizations and leaders foster a culture of understanding with agency representatives. We appreciate your adoption of our idea for an EJ Advisory Group; it’s also important to offer sufficient resources and staff support so they can succeed. In</i></p> | <p>Response: Staff agrees that it is critical for the Commission’s decisions to be informed by the impacted community and believes that the Policy in whole requires this. Goal 4 includes directly reaching out to affected communities soon after receiving an application and to continue that engagement throughout the decision-making process. The information provided by those communities in that process will be</p> |

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| <p><i>analyzing EJ impacts, the best practice is for it to be informed by the impacted community related to that project; work with that EJ community to identify and mitigate impacts, and include it in your project analysis. Improve section 5. Analyze impacts/Identify Benefits, Goal 4 Analyze Potential EJ Impacts of a Proposed Project of Action, Goal 6 Identify and Promote Actions That Increase Equity.</i></p> | <p>used to write the environmental justice analysis contemplated by Goal 5. Goal 5 also includes directly reaching out to disadvantaged communities concerning benefits they want to see from a proposed project.</p> |
| <p>Comment C: <i>EJ competence. The EJ principle of “we speak for ourselves” also applies to bringing in staff for EJ and tribal positions. We recommend requiring background and experience in environmental justice for the EJ position. Improve section 7. Build Trust and Form Relationships, Goal 2 Solicit Indigenous Perspectives, Goal 3 Educate and Empower Staff, Goal 10 Ensure Accountability.</i></p> | <p>Response: Staff agrees that to be effective, an environmental justice liaison should have background experience in environmental justice. Drafting the job description and qualifications for the liaison position will be part of the implementation phase.</p> |
| <p>Comment D: <i>External evaluator. We recommend that SLC hire external evaluators or consultants that have experience working with the EJ movement to evaluate the agency’s progress along implementation metrics. This external evaluation process allows for a more honest mark on progress. Improve section Goal 10 Ensure Accountability.</i></p> | <p>Response: Staff agrees that receiving feedback and outside perspectives is critical for measuring the success of this Policy and ensuring that the Commission remains on track with addressing the actual concerns of EJ communities. While the Policy does not currently include a specific external auditing provision, Goal 9.0 of the Implementation Blueprint does include a strategy to establish an external environmental justice advisory group. In addition to advising the Commission, staff anticipates that an external third-party advisory would be able to offer valuable critiques of our Commission’s efforts.</p> |

Exhibit E

II. California Tribes

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| <p>Comment A: <i>Land returns. Acknowledging ancestral lands of California Native Americans and tribes is a good first step in reforming the relationship between the state and its indigenous peoples. A more meaningful effort to restore the historic injustice of taking tribal lands is to start the process of returning lands to tribes, especially since the SLC is the biggest landowner in California. Improve section 6. Honor the Importance of Tribes' Ancestral Homelands, Goal 2 Solicit Indigenous Perspectives, Goal 6 identify and Promote Actions that Increase Equity.</i></p> | <p>Response: Staff acknowledges the importance of land returns to California Native Americans. While it is true that the Commission holds a significant amount of lands in California, the Commission's role is as a trustee, managing those lands on behalf of the people of California pursuant to the Public Trust Doctrine. Generally speaking, the Commission cannot sell or give away Public Trust lands and must manage California's School lands for the benefit of the California Teacher's Retirement Fund. Even still, Staff believes there are avenues where the Commission can facilitate tribal use of ancestral homelands and establish partnerships with Tribes for managing these lands.</p> |
| <p>Comment B: <i>Tribal history. As new and current staff are trained on identifying and working with EJ communities and issues, we emphasize also including California tribal history and issues. Improve section 6. Honor the Importance of Tribes' Ancestral Homelands, Goal 3 Educate and Empower Staff.</i></p> | <p>Response: Staff training is a core element of Goal 3 in the Implementation Blueprint. Staff agrees that it is important for staff to have increased awareness of California tribal issues and believes that materials related to California tribal history and issues could be included with training materials and in a collection of relevant environmental justice resources. Staff will be developing the training curriculum and beginning to build this collection of resources in the coming year and welcomes suggestions for specific materials to include.</p> |

Exhibit E

III. Transition Off Fossil Fuels

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| <p>Comment A: <i>Stronger commitment to climate and clean air laws. AB 32 and California’s desire to be a climate leader is well-known internationally and is even more important today given the political climate. SLC needs to reflect this, not just with general support for AB32 but in promoting the multitude of interlocking climate and clean energy laws that have been passed in California in the last few years, such as SB 32 (Pavley), SB 350 (de Leon) and AB 197 (E Garcia)—each with commitments to EJ. We want to see SLC lift up its unique leadership role in implementing these important new environmental laws. Improve section 8. Support Cleaner Industry, Goal 5 Reduce Impacts.</i></p> | <p>Response: While SB 350 and AB 197 do not specifically assign the Commission a role in implementing those pieces of legislation, the Commission is committed to supporting the effort to transition to a clean energy future. Staff has strengthened Policy Goal 9.</p> |
| <p>Comment B: <i>Collaboration with agencies. With many other agencies implementing key climate and renewable energy laws, the SLC can better identify its role with these laws and top agencies it will collaborate with to achieve those goals. Improve section 7. Build Trust and Form Relationships, 8. Support Cleaner Industry, Goal 6 identify and Promote Actions that Increase Equity.</i></p> | <p>Response: Staff agrees that collaboration with other agencies is key. Policy Goal 9 includes “work with regulatory agencies, the Legislature ... to prioritize energy efficiency and clean energy and help achieve near zero emissions.”</p> |
| <p>Comment C: <i>Redress historic harms. The energy that SLC has shown to protect our waters from new offshore drilling should match the vigor in leadership to transform existing dirty industries and repair relations with tribes. Improve section 4. Increase Commission Awareness, 8. Support Cleaner Industry, 10. Reduce Impacts/Increase Benefits, Goal 2 Solicit Indigenous Perspectives, Goal 5 Reduce Impacts, Goal 6 Identify and Promote Actions That Increase Equity.</i></p> | <p>Response: Staff is committed to building relationships with Tribes and believe the Policy, along with the Commission’s Tribal Consultation Policy, will assist in those efforts. The Policy also establishes that supporting cleaner industry is a priority for the Commission. While the Policy document cannot commit the Commission to decisions on specific projects, Staff believes the priorities set forth in the Policy will help guide future Commissions in confronting existing harms when exercising its decision-making authority.</p> |

Exhibit E

IV. Ports and Zero Emissions

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| <p>Comment: <i>Encouraging trustee ports to reduce environmental and health impacts is a good addition to the EJ Policy. We emphasize adding zero-emission goals and technologies to meet pollution reduction efforts faster. Improve section 7. Build Trust and Form Relationships, 8. Support Cleaner Industry, 3 10. Reduce Impacts/Increase Benefits, Goal 5 Reduce Impacts, Goal 6 Identify and Promote Actions That Increase Equity.</i></p> | <p>Response: The Policy retains the goal to support efforts by ports to reduce the environmental and health impacts of their operations, and staff has added language to Goal 9 regarding working with other entities to help achieve near zero emissions.</p> |
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V. Climate Change

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| <p>Comment: <i>With 2018 temperatures rising, continually breaking records and as sea levels rise, associated impacts will be felt hardest in EJ communities. We understand SLC has developed climate change, adaptation and resilience programs. We want to see mention of these climate programs in the EJ Policy, and its intersection with climate justice and vulnerable communities. Improve section 5. Analyze impacts/Identify Benefits, Goal 3 Educate and Empower Staff, Goal 6 Identify and Promote Actions That Increase Equity.</i></p> | <p>Response: Staff has added Goal 10, Advance Climate Equity. This goal describes the Commission’s commitment to facilitate sea-level rise preparedness and climate adaptation following the most recent State of California Sea-Level Rise Guidance, and to collaborate with interagency working groups.</p> |
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Commenter: Audubon California (Received June 21, 2018)

Page and paragraph numbers correspond to the first public Draft Environmental Justice Policy, released May 2018.

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| <p>Comment 1: <i>Regarding Page 1, Paragraph 2: “The Commission acknowledges and understands how California acquired ownership from the indigenous people of the public lands it manages.” This statement is vague. For the benefit of the Commission’s staff, the public, and other readers of the policy, the Commission should clearly state how it acquired ownership of the public lands it manages.</i></p> | <p>Response: Staff agrees that this statement was vague and insufficient. In revising the Policy, staff reworked the introductory paragraphs to be more focused. With the revised version, staff feels this comment is no longer applicable.</p> |
| <p>Comment 2: <i>Page 1, Paragraph 2: “Today, California’s Tribes and tribal communities experience many of the same environmental justice issues as other marginalized and disadvantaged communities, but in many cases, “standard” environmental justice indicators may not fully capture indigenous experiences.” The wording and meaning of “experience many of the same environmental justice issues” is vague and unclear. As a matter of guidance for the Commission’s staff, the public, and other readers of the Environmental Justice policy, the document should specify the types of experiences to which it refers.</i></p> | <p>Response: Staff agrees that this statement was vague. The Policy now provides some examples of environmental justice issues, which staff intends to be illustrative but not restrictive.</p> |
| <p>Comment 3: <i>Page 1, Paragraph 2: “Today, California’s Tribes and tribal communities experience many of the same environmental justice issues as other marginalized and disadvantaged communities, but in many cases, “standard” environmental justice indicators may not fully capture indigenous experiences.” The use of the terms “marginalized and disadvantaged communities” is vague. Both terms “marginalized”</i></p> | <p>Response: Staff agrees that the meaning of these terms was unclear. Staff added an explanation of the meaning of these terms and a footnote that explains how “disadvantaged communities” is defined in California law. Staff believes this is consistent with CalEPA’s identification of disadvantaged communities while not limiting the Commission’s Policy to only those communities.</p> |

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| <p><i>and “disadvantaged” should be clearly defined in the policy. Further, the definition of “disadvantaged communities” should be consistent and in accordance with the California Environmental Protection Agency (CalEPA) definition.</i></p> | |
| <p>Comment 4: <i>Page 1, Paragraph 2: “Today, California’s Tribes and tribal communities experience many of the same environmental justice issues as other marginalized and disadvantaged communities, but in many cases, “standard” environmental justice indicators may not fully capture indigenous experiences.” The term “standard” in reference to environmental justice indicators is ambiguous. The “standard” indicators should be clearly defined and their CalEPA or other governmental agency and/or source origin referenced and/or cited.</i></p> | <p>Response: Staff has revised this section to be more illustrative of Native Nation’s unique environmental justice issues. By reworking this section to focus on the unique issues faced by Native Nations, staff felt the refocus of the section did not lend itself to a discussion of standard environmental justice indicators. Additionally, staff felt it could not meaningfully describe those indicators in the introductory section.</p> |
| <p>Comment 5: <i>Page 1, Paragraph 2: “Today, California’s Tribes and tribal communities experience many of the same environmental justice issues as other marginalized and disadvantaged communities, but in many cases, “standard” environmental justice indicators may not fully capture indigenous experiences.” Review of the current CalEPA indicators shows that indigenous peoples’ experiences are not fully captured in that language.</i> https://oehha.ca.gov/calenviroscreen/indicators <i>Therefore, the phrase “may not” should be replaced by “does not.”</i></p> | <p>Response: Staff agrees that Indigenous peoples’ experiences are not fully captured by the current CalEPA indicators and rephrased this section to strengthen the language. Staff believes the changes capture the sentiment of the suggested rephrasing.</p> |

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| <p>Comment 6: <i>Page 1, Paragraph 3: “Examples like loss of access to sacred resources or locations, lost opportunity to gather or grow food, hunt and fish, or practice traditional medicine present an argument for incorporating tribally identified metrics and narratives in environmental justice impact analyses.” Replace the phrase “present an argument” with the new language “are some of the critical reasons”. These examples are statements of fact.</i></p> | <p>Response: Please see the response to Comment 5 (above).</p> |
| <p>Comment 7: <i>Page 1, Paragraph 3: “Together with its Tribal Consultation Policy, the Commission intends to use this policy to elevate tribal voices in Commission activities.” Tribal voices either will or will not be elevated in accord with the Commission’s policy. Replace the word “intends” with the word “will”.</i></p> | <p>Response: This change was made.</p> |
| <p>Comment 8: <i>Page 1, Paragraph 4 “The Commission and its staff commit to ensuring that all communities equitably share environmental benefits and burdens resulting from the Commission’s decisions.” Some communities are already disproportionately burdened. Therefore, it is illogical to presume that benefits and burdens can be shared equitably. This language is inappropriate.</i></p> | <p>Response: This sentence has been rewritten. Now, the Policy, reads: “The Commission commits to the principle that environmental injustices 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.” Staff understands that it cannot commit to ensuring that all communities equitably share environmental benefits and burdens resulting from its decisions. Staff intended this to mean that decisions will consider existing inequities and strive to achieve a result that is as equitable as possible.</p> |

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| <p>Comment 9: <i>Page 2, Paragraph 1: “Examples include surface leasing for industrial uses, management and oversight of oil and gas operations, low-cost access to public lands and resources, climate change prevention and sea-level rise preparedness and adaptation, and the oversight of legislatively granted Public Trust lands underlying ports.” The phrase “climate change prevention” is unclear. There is a general scientific consensus that climate change is no longer preventable. For clarification, we recommend adding the explanatory language “climate change mitigation and adaptation”.</i></p> | <p>Response: Staff recognizes the unfortunate reality that climate change is no longer preventable, and that mitigation and adaptation are critical. The Policy uses the phrase “planning for climate change and sea-level rise.” This recognizes that climate change is not preventable.</p> |
| <p>Comment 10: <i>Page 2, Paragraph 2: “Through staff training and education, the Commission will become better prepared to analyze a proposed project’s environmental justice issues and will be equipped with the tools to engage communities early.” The phrase “environmental justice issues” would benefit from clarification. We recommend inclusion of new language as follows “environmental justice issues raised by unfair treatment of people and communities”.</i></p> | <p>Response: Staff has added language that it hopes helps to clarify the meaning of “environmental justice issues.” For example, the first sentence refers to disproportionate impacts from pollution or other environmental hazards, and the description of those whom this Policy is meant to address describes populations that are disproportionately burdened by or less able to prevent, respond, and recover from adverse environmental impacts. Policy Goal 1 also makes clear that the Policy is concerned with the fair and equitable treatment of all people and communities and with ensuring that everyone is given an equal opportunity to participate in the Commission’s decision-making process.</p> |
| <p>Comment 11: <i>Page 2, Paragraph 2: “Through staff training and education, the Commission will become better prepared to analyze a proposed project’s environmental justice issues and will be equipped with the tools to engage communities early.” The phrase “engage communities early” is vague. For the benefit of the Commission’s staff,</i></p> | <p>Response: While this specific section has been reworked, the Policy now clarifies that outreach will begin soon after an application is received. Staff anticipates that the Implementation Plan will add additional clarity and guidance for initiating outreach.</p> |

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| <p><i>the public, and other readers of the Environmental Justice Policy, the Commission should clearly state what constitutes early engagement. For example, the Draft Policy references the Commission’s Tribal Consultation Policy wherein timeliness of engagement is defined.</i></p> | |
| <p>Comment 12: <i>Page 2, After the heading “Environmental Justice Principles”: “The following principles represent the framework of this policy.” It is confusing and unclear how “principles represent the framework”. We recommend revision of the statement as follows “The following principles guide implementation of this policy.”</i></p> | <p>Response: Staff agrees that the statement was confusing. Staff deleted that statement. Instead, the Policy is structured by simply stating the goals of the Policy, which are numbered 1–12.</p> |
| <p>Comment 13: <i>Page 2, Bullet 1: “Promote responsible and equitable uses of land and natural resources for the public.” The terms “responsible and equitable” should be defined. What are the responsible uses of land and natural resources to which the Draft Policy applies? Definitions and examples should be provided.</i></p> | <p>Response: Staff revised the Policy to include some examples of beneficial uses of state lands that would promote equity but has avoided adding a specific definition that may unduly constrain future Commissions from considering creative land use opportunities.</p> |
| <p>Comment 14: <i>Page 3, Main Bullet 2 – “Build Trust and Form Alliances”: “Forge cooperative relationships with communities, government agencies, and Tribal governments to work together to leverage the Commission’s authority to help advance environmental justice and achieve meaningful results.” What is a “meaningful results” according to the Commission? For the benefit of the Commission’s staff, the public, and other readers of the Environmental Justice Policy, the phrase “meaningful results” should be defined.</i></p> | <p>Response: Staff agrees that the phrase “meaningful results” is subjective and not measurable. Staff removed this language from the Policy but has added language to note that a goal of the Policy is to achieve better outcomes for impacted communities.</p> |

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| <p>Comment 15: <i>Page 3, Main Bullet 4 – “Analyze Impacts”: “Include an environmental justice section in staff reports for projects that have significant effects on disadvantaged communities or in which these communities have had meaningful participation, using information gathered from environmental justice research and outreach, including tribal input.” Environmental justice sections should be researched and completed for all proposed projects including those that will have an overtly negative impact on marginalized communities. All projects run the risk of directly or indirectly affecting said communities and these risks must also be taken into consideration.</i></p> | <p>Response: Staff anticipates that the environmental justice analysis process will be more detailed in the Implementation Plan. Staff intends to have an environmental justice analysis for any project that does raise environmental justice concerns, but not all the items taken to the Commission for approval involve projects; many involve rent revisions or other administrative items.</p> |
| <p>Comment 16: <i>Page 3, Main Bullet 4 – “Analyze Impacts”: “Include an environmental justice section in staff reports for projects that have significant effects on disadvantaged communities or in which these communities have had meaningful participation, using information gathered from environmental justice research and outreach, including tribal input.” Specific metrics should be identified that address the methodology for identifying these impacts.</i></p> | <p>Response: Staff recognizes that there is much work to be done regarding the methodology that will be used to identify and evaluate environmental justice impacts. While the proposed Policy does not go into detail about specific metrics and methods, staff recognizes the importance of refining this process as it works on implementation of the Policy.</p> |
| <p>Comment 17: <i>Page 4, Bullet 1: “Identify marginalized and disadvantaged communities that live, work, and recreate near a proposed project or area as an initial step in the application process and proactively collaborate with community members, environmental justice advocacy groups, and affected Tribes at the beginning of the project review process.” The phrase “proactively collaborate” is imprecise. We recommend a clear definition and/or examples that elucidate the phrase “proactively collaborate”.</i></p> | <p>Response: Staff has revised this section and the Policy now specifies that staff will outreach to impacted and vulnerable communities at the beginning of the application review process.</p> |

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| <p>Comment 18: <i>Page 4, Bullet 3: “Proactively reach out to environmental justice groups, impacted communities, and affected Tribes when the Commission becomes aware of project proposals in their area.” The phrase “proactively reach out” is imprecise. We recommend a clear definition and/or examples that elucidate the phrase “proactively reach out”.</i></p> | <p>Response: Staff has revised this section and the Policy now specifies that staff will outreach to impacted and vulnerable communities at the beginning of the application review process.</p> |
| <p>Comment 19: <i>Page 4, Bullet 4: “While the Commission does not directly manage granted lands underlying the State’s major ports and harbors, there are opportunities to influence policies and encourage change.” What constitutes change? Does change mean “minimize and reduce environmental and health impacts on vulnerable communities from port industrial activity”? If so, this section would benefit from clarification.</i></p> | <p>Response: Staff revised this section to specify that the intent of this goal is to minimize and reduce environmental and health impacts.</p> |
| <p>Comment 20: <i>Page 5, Bullet 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.” This sentence contradicts the Draft Policy. It appears that whenever a project is deemed meritorious it could be approved by the Commission, notwithstanding the facts that a community is already disproportionately (or unfairly) burdened.</i></p> | <p>Response: While staff disagrees that this sentence contradicts the draft policy, this language has been removed. The Policy strives to reduce and, where possible, eliminate environmental justice impacts on communities. But the Commission must consider all factors of a project and ultimately determine what is in the best interests of the State. This may include a conditional approval of a project that includes mitigation of impacts when the benefits of the project serve an important statewide purpose.</p> |

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| <p>Comment 21: <i>Page 5, Bullet 6: “The staff will review the information provided by staff, the public, environmental justice communities, Tribes, and others to ensure that it fulfills the policy expectations and is benefitting communities.” This sentence contradicts the Draft Policy (See Page 5, Bullet 3). The phrase “where feasible” is ambiguous since the language does not ensure that communities will not receive additional, unfair or disproportionate burden.</i></p> | <p>Response: This Policy intends to promote decision-making that will be less harmful and more beneficial to disadvantaged communities, but it cannot guarantee that the Commission will always reject a proposed project or action that may result in some increased or disproportionate burdens.</p> |
| <p>Comment 22: <i>Page 5, Bullet 6: “Routinely measure success and reflect upon the effectiveness of this policy and its implementation.” The language “Routinely” is vague. To whose routine and to what routine does this reference apply? We recommend inclusion of a specific timeframe that applies to revisiting and/or revision of the policy; for example, every two years, after every 10 project proposals, etc.</i></p> | <p>Response: This Policy establishes baseline goals for the Commission with a focus on larger themes and issues. Staff decided to address implementation strategies in separate Implementation Plan that can be more easily refined. Details and timelines about assessing progress should be developed in that document.</p> |
| <p>Comment 23: <i>Page 5, Bullet 6: “Routinely measure success and reflect upon the effectiveness of this policy and its implementation.” The phrase “measure success and reflect upon the effectiveness” is unclear. Metrics and guidelines should be identified and defined.</i></p> | <p>Response: Staff agrees that it is important to have metrics for gauging the effectiveness of this Policy and has included accountability as a Policy goal. Staff anticipates that measurements of success will be described in the Implementation Plan.</p> |
| <p>Comment 24: <i>Page 6, Bullet 5: “Develop and implement a meaningful public participation process.” We recommend that the Commission incorporate the U.S. Environmental Protection Agency’s (EPA) Environmental Justice Model Plan for Public Participation, which can be found here. https://www.epa.gov/sites/production/files/2015-02/documents/model-public-part-plan.pdf</i></p> | <p>Response: Staff reviewed the submitted Environmental Justice Model Plan for Public Participation. Staff agrees that it contains useful tips for conducting effective public participation and intends to refer to this document when drafting the Implementation Plan or planning future outreach.</p> |

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| <p>Comment 25: <i>Page 6, Bullet 5: “Connect with communities at the beginning of the process and continue engaging them throughout the process.” The statement should be amended as follows “Connect with communities at the beginning of the process, continue engaging them throughout the process, and the Commission’s decisions will factor in public comments and recommendations.”</i></p> | <p>Response: All in all, the Policy reflects that the Commission’s decisions will factor in public comments and recommendations.</p> |
| <p>Comment 26: <i>Page 7, Bullet 5: “Secure funding for and employ an Environmental Justice Liaison who will be the first point of contact and liaison with environmental justice communities, will allow more immediate and personalized response to environmental justice inquiries, and facilitate ongoing communication with staff.” The statement should be amended as follows “Secure funding for a budget for the employment of an Environmental Justice Liaison who will be the first point of contact and liaison with environmental justice communities, and relevant activities that will allow more immediate and personalized response to environmental justice inquiries and facilitate ongoing communication with staff.”</i></p> | <p>Response: When reworking the draft Policy, staff moved many of the specific implementation items into a draft Implementation Blueprint. The Blueprint provides a general description of the role of an Environmental Justice Liaison, as staff envisions it, but the precise job duties will be further developed. While not included in the Policy, staff also recognizes that securing funding is a critical part of successful implementation.</p> |
| <p>Comment 27: <i>Page 7, Bullet 6: “Participate and attend community meetings, where feasible.” Either the Commission will participate and attend meetings, or they will not. The language “where feasible” should be omitted.</i></p> | <p>Response: Staff removed this specific language from the Policy to make it more readable and less redundant. Staff feels the purpose of attending community meetings, to foster relationships with community groups, is captured in Policy Goal 8.</p> |

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| <p>Comment 28: <i>Page 7, Bullet 6: “Partner and collaborate with Tribes and tribal-affiliated trusts, nonprofit organizations, and the Governor’s Office of the Tribal Advisor.” This language should be amended as follows “Partner and collaborate with Tribes and tribal-affiliated trusts, nonprofit organizations, community organizations and leaders, and the Governor’s Office of the Tribal Advisor.” There are instances where some of the most influential community organizations do not have nonprofit status.</i></p> | <p>Response: This section has been moved to the Implementation Blueprint. Staff added “other entities that are knowledgeable about environmental justice issues,” which staff believes would include community organizations that do not have nonprofit status.</p> |
| <p>Comment 29: <i>Page 8, Bullet 2: “Continuously assess staff capacity and workload and use and leverage resources to make implementation successful.” The language “to make implementation successful” is ambiguous. The Commission should specify what constitutes successful Environmental Justice Policy implementation and should be specified.</i></p> | <p>Response: Staff moved this to the Implementation Blueprint, and it will be more fully developed in the Implementation Plan.</p> |

Exhibit E

Other Public Comments

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| <p>Comment: <i>“The Environmental Justice Act amendment to the Coastal Act makes a specific reference to persons with disabilities being protected so that they can enjoy full and equal access to state resources. But the State Lands Commission’s draft policy makes no references to this important protected category. Is this an oversight?”</i></p> | <p>Response: Staff appreciates that this was brought to its attention and agrees that ensuring persons with disabilities are afforded equal access to state resources is essential. In order to make the Policy feel as inclusive as possible, staff felt it was more appropriate to omit a list of protected characteristics from the Policy, rather than try to capture every important protected category. All in all, the Policy does address persons with disabilities, even if is not specifically mentioned.</p> |
| <p>Comment: <i>“The Selby Slag remediation plan stands to put many residents of Rodeo and Crockett at risk of heavy metal exposure; and as currently described in the DEIR, can release a plume of heavy metals into the bay right by the Carquinez straits. This would disseminate the toxins into the delta and out into the bay with the currents.”</i></p> | <p>Response: Staff recognizes that the Selby Slag issue is of significant concern to many members of the public. Staff hears these concerns and understands them. While this comment does not address the Policy specifically, staff encourages the public to continue engaging with staff and participate in the public CEQA process.</p> |
| <p>Comment: <i>“To me, whoever are the authors of the Draft Environment Justice Policy, missed the mark of the true, authentic and mindful relationship of Environmental Justice. There nothing that have teeth that give the most vulnerable or impacted communities anything of the power, for planning, economic development, or decision making. Where are the funds for the EJ communities to have genuine authority, not just having input and feedback. Draft Environment Justice Policy is the out of date paradigm, which clearing don't have what's bottom up equity and community engagement. Lastly, you as a staff member have no authority to make change of the process and this is not a "ground truthing" policy.”</i></p> | <p>Response: Staff has strived to learn from environmental justice communities in the process of developing this Policy and has done its best to create a comprehensive, meaningful Policy that is responsive to input from environmental justice communities and groups.</p> |

Exhibit E

Comment: *“Regarding “BUILD TRUST AND ALLIANCES” on page 3: “This is an important section that should be exercised seriously. Local agencies near public lands have the ability to literally partner with State Agencies in ways that can open public access and have meaningful oversight of the Public Trust Lands. For fiscally disadvantaged communities it can lead to employment opportunities that the State could no offer but could benefit from. The State should be working to remove fiscal disincentives to participate with it in Public Trust Lands opportunities. They should be incentivizing. For example, we have a contract with BLM to do certain maintenance operations and have created situation that I would call “Eyes on the Ground” for lack of a better term. We are at the locations not hours away. They pay us to increase and maintain public access.”*

Regarding “ENCOURAGE COMMUNITY ORIENTED LESSEES” on page 5: This fits with above comment.

Regarding Page 6, bullet 3: Our local transportation planning agency has continually found the CalEnviroScreen has been constructed and used in a manner that does not recognize that rural and isolated areas need the same protections and availability of State programs that are working toward Environmental Justice. Extremely important is the wording of the last sentence in the bullet point. Please use other sources and methods as stated not simply reliance on CalEnviroScreen.

Response: Staff appreciates the comments regarding the potential for the state to partner at a local level to expand public access and welcomes opportunities to do so. Staff recognizes that understanding the limits of CalEnviroScreen in identifying impacted communities is important. Identifying the appropriate methodology to use in particular circumstances will be a critical part of implementation.

Exhibit F

[State Agencies](#)

California Air Resource Board –
Bay Area Air Quality Management District &
South Coast Air Quality Management District

California Coastal Commission

California Department of Justice

California Department of Parks and Recreation -
Accessibility Section

California Environmental Protection Agency

California State Coastal Conservancy

CalRecycle

Governor’s Office of Planning and Research

San Francisco Bay Conservation and
Development Commission

[Public Agencies](#)

Alameda County Public Health Department

City of Alameda

City of Burlingame Wastewater Treatment
Facility

City of Los Angeles – Department of City
Planning

City of Martinez

Contra Costa County – Hazardous Material
Commission

Contra Costa Resource Conservation District

County of San Mateo – Office of Sustainability

Los Angeles Regional Water Quality Control
Board

Port of San Diego

[Environmental Justice Working Group](#)

Azul

The Center on Race, Poverty & the Environment

Central Coast Alliance United for a Sustainable
Economy

Communities for a Better Environment

East Yard Communities for Environmental
Justice

Leadership Counsel for Justice and
Accountability

Sacred Placed Institute of Indigenous People

WildCoast

[Legislators](#)

Office of Congressman Alan Lowenthal

Office of Congresswoman Nanette Barragan

[Universities](#)

California State University, Long Beach

Fielding Graduate University

[Other Stakeholders](#)

ABAG / Metropolitan Transportation
Commission

All Positives Possible

Asian Pacific Environmental Network

Athens Services

Audubon California

Bay Area Healthy 880 Communities

Bay Localize/Rooted in Resilience

Biosafety Alliance

Breakthrough Communities

Exhibit F

Other Stakeholders (continued)

Brown Girl Surf

California Environmental Justice Alliance

California Indian Environmental Alliance

California Prison Moratorium Project

Carquinez Recover the Waterfront

Catholic Charities of the Diocese of Stockton

Center for Biological Diversity

Central California Asthma Collaborative

Climate Law Institute

Clean Water Action

Climate Justice Alliance

Community Action for a Sustainable Alameda

Community Agency Response to Disaster

Community Food and Justice Coalition

Concerned Neighbors of Selby Slag

Conservation Society of California

CRUDE

Environmental Center of San Diego

EYCHAR

Fresh Air Vallejo

Friends of Five Creek

Friends of the Earth - US

Grassroots Ecology

Greenaction for Health and EJ

Housing Long Beach

Huntersview Mothers and Fathers Committee
for Health and EJ

Idle No More SF Bay Area

Indigenous Permaculture Project

Latino Outdoors

LB ACE

Literacy for Environmental Justice

Long Beach Environmental Alliance / Long
Beach Gray Panthers

Long Beach Forward

Midpeninsula Regional Open Space District

Natural Resources Defense Council

No Coal in Oakland

NOAA Office of Coastal Management

North Richmond Open Space Alliance

Oakland Climate Action Coalition

Occupy SF EJ Working Group

People Organizing to Demand Environmental
and Economic Rights (PODER)

PolicyLink

Protect the Long Beach / Los Cerritos Wetlands

Puente LA

RCA – Rodeo

Resilient by Design

Sierra Club - San Francisco Bay Chapter

Silicon Valley Toxics Coalition

South East LA Coalition

Stand

The Environmental Justice Coalition for Water

The Greenlining Institute

The Trust for Public Land

Exhibit F

Other Stakeholders (continued)

Tri-Valley CAREs

UNITE/HERE

Urban Biofilter

Urban Habitat

Walk Bike Long Beach

West Berkeley Alliance for Clean Air and Safe
Jobs

West County toxics Coalition

West Oakland Environmental Indicators Project

World Institute on Disability

Youth United for Community Action