

# California State Lands Commission

## DISCUSSION Draft Environmental Justice Policy

### I. Policy

The Commission envisions a future in which all Californians enjoy California's rich and bountiful public lands and natural resources, regardless of race, culture, national origin, income, or socioeconomic status. The Commission recognizes that its primary responsibility, applying the Public Trust Doctrine to California lands, is rooted in principles of equity. The Commission is entrusted to protect, preserve, and manage the lands and natural resources under its jurisdiction in the best interests of all Californians. This policy is intended to promote equitable decisions and result in the Commission's meaningful consideration of the values, needs, and concerns of all communities, including, marginalized or disadvantaged communities and California Native American Tribes.

### II. Background and Goals

The Commission acknowledges and understands how California acquired ownership from the indigenous people of the public lands it manages. The Commission also recognizes the critical connection California's Native people have to the environment and that the environmental injustices carried out over generations, including destruction of the natural resources that sustained their communities and systematic displacement from their lands, give California's Native communities a unique perspective on environmental justice issues. 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.

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. Together with its Tribal Consultation Policy,<sup>1</sup> the Commission intends to use this policy to elevate tribal voices in Commission activities.

The Commission commits to the principle that the environmental injustices of the past will not define California's future. The Commission and its staff commit to ensuring that all communities equitably share environmental benefits and burdens resulting from the Commission's decisions. The Commission and its

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<sup>1</sup> <http://www.slc.ca.gov/About/Docs/Tribal.pdf>

staff commits to promoting equity through its decision-making and business processes. The Commission will promote meaningful community engagement with marginalized and disadvantaged communities to better understand their needs, values, priorities, and concerns and the impact the Commission's actions and decisions have on them.

California law defines environmental justice as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. The Commission recognizes that environmental justice issues and concerns involve many of its programs. 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 Commission adopts this policy as a continuing step in advancing environmental justice by seeking, facilitating, and encouraging marginalized and disadvantaged communities to participate meaningfully and provide input to the Commission on projects, policies, business practices, and activities within the Commission's authority, jurisdiction, and sphere of influence that impact them. 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. Through increased awareness, communication, and meaningful engagement with marginalized and disadvantaged communities, Commission decisions will be better informed, comprehensive, and equitable.

## **Environmental Justice Principles**

The following principles represent the framework of this policy.

### **A. Guiding Principles**

The Commission commits to:

- **PROMOTE EQUITY.** Ensure the fair treatment of people of all races, cultures, national origin, and income concerning the development, adoption, implementation, and enforcement of laws, regulations, and policies within the Commission's jurisdiction. Promote responsible and equitable uses of land and natural resources for the public.
  
- **INFORM THE PUBLIC AND TRIBES.** Develop tools and strategies to improve the public's and Tribes' knowledge and understanding of:
  - The Public Trust Doctrine - its history and why it is relevant to advancing environmental and social justice.

- The public's rights to access and enjoy tide and submerged lands, navigable waterways, and Public Trust lands and resources.
  - The Commission's role as a trustee landowner of ungranted Public Trust lands and resources, and its oversight role for lands and resources that the Legislature granted to local jurisdictions.
  - The Commission's role as a trustee landowner of school lands.
- **INCREASE AWARENESS AND PUBLIC PARTICIPATION.** Be more knowledgeable about how Commission decisions impact marginalized and disadvantaged communities. Cultivate and sustain relationships with tribal leaders and environmental justice groups representing vulnerable communities.
  - **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. Listen and acknowledge concerns.
  - **SUPPORT CLEANER INDUSTRY.** The California Global Warming Solutions Act of 2006 (AB 32) sets strict limits on greenhouse gas emissions, reduces fossil fuel dependency, and encourages clean energy. To support these goals, the Commission commits to promoting the use of State lands and resources to facilitate the development and growth of renewable and clean energy production. The Commission will work with industrial partners and applicants to prioritize policies and operations that push the envelope on energy efficiency and clean energy, with the overall goal of achieving zero and near zero emissions.
  - **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.
  - **REDUCE IMPACTS.** Marginalized and disadvantaged communities often disproportionately bear impacts of reduced air quality, reduced water quality, water pollution, displacement, and lost economic opportunities. To the extent practicable, work to prevent, lessen, and mitigate adverse impacts on communities that are disproportionately impacted, and strive to ensure that benefits and burdens are equitable.

## B. Procedural Principles

The Commission commits to:

- **IDENTIFY IMPACTED COMMUNITIES.** 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.
- **SOLICIT INDIGENOUS PERSPECTIVES.** The Commission acknowledges that Tribes and their members have unique environmental justice issues and valuable historical, cultural, and ecological knowledge of California lands and resources. The Commission will seek tribal perspectives and expertise in furtherance of the Commission's Tribal Consultation Policy.
- **IMPROVE AWARENESS, COMMUNICATION, AND PUBLIC ENGAGEMENT.** Proactively reach out to environmental justice groups, impacted communities, and affected Tribes when the Commission becomes aware of project proposals in their area. Strive to plan Commission meeting times and locations in areas that are accessible to communities impacted by the decisions that the Commission may make at those meetings. 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. Ensure that related materials use common language and are available, where appropriate, in the languages that are most prevalent in those communities.
- **LEVERAGE PARTNERSHIPS WITH TRUSTEE PORTS.** 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. The Commission commits to supporting efforts to minimize and reduce environmental and health impacts on vulnerable communities from port industrial activity.
- **IDENTIFY AND PROMOTE ACTIONS THAT INCREASE EQUITY.** Leverage the Commission's ownership and management authority over Public Trust and school lands to facilitate projects that alleviate or remove barriers to racial and social equity, including community- or regional- scale renewable energy facilities, broadband internet infrastructure, and habitat protection, management, or restoration projects that improve resource health for tribal subsistence and access to natural spaces for all communities.

- **ENCOURAGE COMMUNITY-ORIENTED LESSEES.** Leverage the Commission's ownership and management authority over Public Trust and school lands to promote healthy communities around those lands by considering the values and the risks that a potential lessee will bring to those communities based on their unique needs and vulnerabilities.
- **ANALYZE IMPACTS.** Ensure that staff analyses consider, incorporate, and balance the priorities and concerns of marginalized and disadvantaged communities equitably with the priorities and concerns of other stakeholders; and identify and explain the factors that staff has analyzed, considered, and weighed in making its recommendation to the Commission.
- **REDUCE PROJECT IMPACTS.** Amend the Commission's industrial and commercial lease applications to require applicants to identify environmental justice communities in the area and to identify potential impacts and mitigation. As part of the application process, research additional impacts and work with the applicant and impacted communities to develop strategies to decrease those impacts. 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.
- **INCREASE AND ENCOURAGE PUBLIC ACCESS.** Preserve, protect, and expand public access to Public Trust lands and resources for everyone; and encourage, facilitate, and promote public use of lands and resources, with careful consideration given to increasing access opportunities to lands and resources for disadvantaged and tribal communities that live or work nearby but have not traditionally been able to enjoy these natural areas.
- **EMPOWER STAFF AND STRENGTHEN CAPACITY.** Build a relationship of learning and trust among staff. Invest in staff training about what environmental justice means, how it intersects with the Commission's jurisdiction, why it matters, and how staff should incorporate it into their everyday work. Ensure that implementation of the policy is integrated throughout the Commission's culture.
- **ASSESS PROGRESS AND DETERMINE EFFECTIVENESS.** Routinely measure success and reflect upon the effectiveness of this policy and its implementation. 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. And, to determine if revisions are needed to improve its effectiveness or adapt the policy to reflect new concerns, issues, or laws.

### III. Implementation Strategies

These strategies are meant to guide the Commission's policy implementation. While it is true that the Commission engages in a broad range of activities—most with unique circumstances—these strategies are basic guidelines that can be adapted to ensure the intent of this policy is carried through to and meaningfully considered in all areas of the Commission's work.

#### To identify impacted communities

- Develop relationships with community-based advocacy and community organizing groups and seek their assistance in identifying marginalized and disadvantaged communities that live, work, and recreate near a proposed project.
- Develop and sustain relationships with tribal communities and leadership, and tribal advocacy organizations, to ensure tribal-specific environmental justice concerns are understood and considered.
- Use CalEnviroScreen and non-mapping tools and resources that assess where there are marginalized or disadvantaged communities in relation to lease and permit applications and policy and regulation development involving lands and resources under the Commission's jurisdiction. Consult with local community organizations to identify communities in the area that CalEnviroScreen may not capture.
- Continuously update and enhance contacts and relationships with local, regional, and statewide environmental justice community advocates and representatives.

#### To improve communication and public engagement

- Develop and implement a meaningful public participation process. Connect with communities at the beginning of the process and continue engaging them throughout the process.
- Improve the readability of public documents, including California Environmental Quality Act documents, staff reports, and lease applications. Use fewer acronyms and common language.
- Inform and provide information. Ensure that the Commission's public notices include disadvantaged and marginalized communities. Translate notices and documents, when appropriate, and schedule meetings at locations that are accessible and facilitate participation.
- Incorporate environmental justice topics and concerns into consultations under the Commission's Tribal Consultation Policy.

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

#### To identify and analyze impacts

- Incorporate the identification, research, and analysis of environmental justice concerns, issues and potential impacts into the Commission's practices and procedures.
- 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.
- Create an environmental justice advisory group to provide insight, guidance, and feedback.

#### To empower staff and increase capacity

- 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 Liaison will also foster relationships with local governments and communities.
- Partner and collaborate with agencies that are knowledgeable about environmental justice issues, such as the California Department of Resources Recycling and Recovery, California Environmental Protection Agency, California Energy Commission, San Francisco Bay Conservation and Development Commission, California Coastal Commission, and the Governor's Office of Planning and Research. Participate and attend community meetings, where feasible. Collaborate with cities, counties, and regional governments. Partner and collaborate with Tribes and tribal-affiliated trusts, nonprofit organizations, and the Governor's Office of the Tribal Advisor.
- Develop environmental justice champions throughout the Commission. And, integrate environmental justice considerations into all aspects of its work, including incorporating environmental justice issue identification, research, and analysis into division and program practices and procedures.

- Share and implement lessons about social and racial equity learned from the Commission's participation in the Government Alliance on Race and Equity Cohort.<sup>2</sup>
- Continuously assess staff capacity and workload and use and leverage resources to make implementation successful.
- Incorporate and prioritize implementation of the Commission's Environmental Justice Policy in its Strategic Plan.
- Provide environmental justice training to staff, prioritize environmental justice learning opportunities, and provide staff with educational materials about environmental justice and social equity. Empower staff to challenge the norm; seek to change the established culture and self-reflect.

To assess progress, determine effectiveness, and achieve results

- Adopt methods for determining effectiveness in implementing the policy and establish performance measures to ensure that the policy is benefitting marginalized, disadvantaged, and tribal communities.
- Seek feedback on the implementation of the policy and identify ways to measure how well it is working.
- Present an annual status report to the Commission that assesses the effectiveness of the policy, including how much the Commission accomplished and how well it did.
- The Commission will revise the policy and implementation plan as needed to reflect lessons learned and policy or implementation shortcomings identified through the assessment process or public consultation.

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<sup>2</sup> <https://www.racialequityalliance.org/>