

California State Lands Commission
SECOND DISCUSSION Draft Environmental Justice Policy

I. Introduction

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

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

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

² California law defines environmental justice as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. See Government Code section 65040.12.

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

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

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

II. Environmental Justice Vision and Objectives

1. PROMOTE EQUITY

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

2. INFORM THE PUBLIC AND TRIBES

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

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

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

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

3. INCREASE AND ENCOURAGE EQUITABLE PUBLIC ACCESS.

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

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

4. INCREASE COMMISSION AWARENESS

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

5. ANALYZE IMPACTS/IDENTIFY BENEFITS

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

6. HONOR THE IMPORTANCE OF TRIBES' ANCESTRAL HOMELANDS

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

7. BUILD TRUST AND FORM RELATIONSHIPS

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

8. SUPPORT CLEANER INDUSTRY

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

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

9. INCREASE PUBLIC PARTICIPATION

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

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

10. REDUCE IMPACTS/INCREASE BENEFITS

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

11. ACCOUNTABILITY

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

****Appendix*

Implementation Outline

I. PURPOSE STATEMENT

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

II. PROCEDURAL GOALS

The Commission will:

Goal 1.0: IDENTIFY AND ENGAGE WITH IMPACTED COMMUNITIES.

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

Strategies to Achieve this Goal:

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

Goal 2.0: SOLICIT INDIGENOUS PERSPECTIVES.

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

Strategies to Accomplish this Goal:

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

Goal 3.0: EDUCATE AND EMPOWER STAFF.

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

Strategies to Accomplish this Goal:

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

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

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

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

Strategies to Accomplish this Goal:

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

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

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

Goal 5.0: REDUCE IMPACTS.

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

Strategies to Accomplish this Goal:

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

Goal 6.0: IDENTIFY AND PROMOTE ACTIONS THAT INCREASE EQUITY.

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

Strategies to Accomplish this Goal:

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

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

Goal 7.0: IMPROVE PUBLIC ENGAGEMENT AND INCREASE TRANSPARENCY.

Strategies to Accomplish this Goal:

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

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

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

Goal 8.0: MAKE BETTER USE OF TECHNOLOGY.

Strategies to Accomplish this Goal:

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

Goal 9.0: ENCOURAGE COMMUNITY-ORIENTED LESEES.

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

Strategies to Accomplish this Goal:

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

Goal 10.0: ENSURE ACCOUNTABILITY

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

Strategies to Accomplish this Goal:

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

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

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

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

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

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