

**STAFF REPORT
INFORMATIONAL
57**

A Statewide

12/06/19

S Statewide

K. Robinson-Filipp
S. Pemberton

**YEAR ONE PROGRESS REPORT: IMPLEMENTING THE COMMISSION'S NEW
ENVIRONMENTAL JUSTICE POLICY**

INTRODUCTION:

In December 2018, the State Lands Commission adopted an updated Environmental Justice Policy and implementation framework, committing to the principle that past environmental injustices will not define California's future ([Item 75, December 3, 2018](#)). This Policy reflects input from environmental justice and community-based organizations and guidance from an environmental justice working group.

The twelve goals outlined in the Policy are bold and transformative. They reflect an urgent need to address the inequities of the past so they do not continue into the future. They are also reflective of climate change and how the impacts on human health continue to disproportionately affect marginalized and disadvantaged communities. As the Commission works to adapt to climate change and promote climate resiliency, addressing environmental justice is imperative.

Since the adoption of the Environmental Justice Policy, staff has worked internally and collaboratively with environmental justice organizations and other agencies to implement the Policy. Key areas of progress include interagency coordination, staff-wide training, directed workshops, and the development of processes for environmental justice outreach. The Commission also received funding and initiated the process to hire an Environmental Justice Liaison and support staff for its environmental justice work.

INTERAGENCY COORDINATION:

California was one of the first states to codify the definition of environmental justice. Many state agencies have responded by adopting and implementing new or updated environmental justice policies. As one of the first resource agencies to adopt an updated Policy, the Commission has found numerous opportunities to collaborate with other agencies.

San Francisco Bay Conservation and Development Commission (BCDC).
Commission staff participated in a BCDC Commissioner Working Group on

STAFF REPORT NO. 57 (CONT'D)

Environmental Justice. The purpose of this working group was to add a new section to BCDC's Bay Plan to address environmental justice and social equity. Participation in the BCDC Commissioner Working Group was a mutually rewarding and beneficial experience. Commission staff had the opportunity to share lessons learned with BCDC staff, creating a valuable dialogue between the agencies. Commission staff also gained tremendous insight through interactions with the community-based organizations and representatives who advised the BCDC Commissioner Working Group.

California Coastal Commission (CCC). Like the State Lands Commission, the California Coastal Commission adopted an Environmental Justice Policy this past year. As CCC embarks on implementing its Policy, Commission staff have engaged in periodic collaboration with CCC staff to share ideas and guidance.

California Environmental Protection Agency (CalEPA). The Commission has worked closely with CalEPA over the past year, leveraging its experience and knowledge from a well-established environmental justice program. This close collaboration has helped build the Commission's foundation and resources to implement the Policy successfully. CalEPA's experience with environmental justice has been invaluable in assisting the Commission to develop and facilitate several staff trainings.

STAFF EDUCATION AND TRAINING:

Staff education and training have been a critical focus of this year. The trainings placed a strong emphasis on improving staff's understanding of why the Commission's Environmental Justice Policy is important, understanding available community impact assessment tools, and deepening staffs' knowledge of environmental injustice as a systemic and structural issue. Training also focused on building a culture of staff empowerment and investment in solutions consistent with the Commission's mission and vision. These trainings have helped develop shared knowledge among staff and promote staff ownership over the Policy. Educational efforts are ongoing, and an upcoming focus will center on community engagement and outreach.

Staff-Wide Environmental Justice Training. Earlier this year, the Commission held two staff-wide trainings: one in Sacramento and the other in Long Beach. This training educated staff about the Commission's Policy and built a framework of shared knowledge. The CalEPA was an essential partner in helping the Commission develop and facilitate this foundational effort.

A post-training evaluation revealed that staff found the training engaging and informative. The emphasis on the historical and tribal perspective of environmental justice helped many participants understand the importance and

STAFF REPORT NO. 57 (CONT'D)

value of environmental justice. Many participants were also inspired and motivated by remarks from Commissioner Betty Yee and Executive Officer Jennifer Lucchesi.

In her opening remarks at the Sacramento training, Commissioner Yee emphasized that it is "our responsibility, duty, and mission to ensure that environmental injustices of the past do not define the actions today." These remarks empowered staff to establish a connection between the Policy and the Commission's Vision and Mission. Interactive exercises and engaging conversations throughout the training reinforced this message from Commissioner Yee.

CalEnviroScreen 3.0 Training. After establishing a foundation of shared knowledge on environmental justice principles, staff was enthusiastic about understanding how to apply the Policy in their work. Through the CalEPA partnership, the Commission collaborated with the Office of Environmental Health Hazard Assessment (OEHHA) to prepare and facilitate a CalEnviroScreen 3.0 training.

CalEnviroScreen 3.0 is a valuable tool for identifying existing burdens and potential vulnerabilities in communities statewide. The Commission, with OEHHA and CalEPA, developed an engaging and interactive training for staff who will be involved in environmental justice analyses. The OEHHA facilitated three sessions of this training to ensure staff had ample time to use the tool in a small-group setting and to ask questions.

Community Engagement and Outreach. Facilitating meaningful community involvement in land-use and environmental decision-making is crucial. Earlier this year, the Commission and CalEPA initiated a collaborative interagency effort to develop a curriculum and workshop centered on educating state agency staff on how to conduct meaningful community engagement and outreach in the context of environmental justice. This partnership includes the Commission, CalEPA, California Department of Conservation, California State Water Resources Control Board, California Public Utilities Commission, California Department of Public Health, and the Leadership Counsel for Justice and Accountability.

This high-level curriculum will help state agencies develop a shared understanding of community engagement and outreach. It also represents a collaborative and concerted effort to promote meaningful engagement, effective outreach, and transparency as well as to build trust with communities. There will be a strong emphasis on empathy and empathetic communication throughout the training. The goal is that staff who attend will develop a strong understanding of the principles of community engagement and outreach. The Commission and

STAFF REPORT NO. 57 (CONT'D)

CalEPA plan to facilitate the workshop once, and the curriculum will be available to both agencies and their staff, serving as an ongoing resource.

APPLYING THE POLICY:

The Commission's internal Environmental Justice team has worked diligently to build on the momentum and framework from the staff trainings. The team's effort to develop a process for environmental justice analysis and outreach is crucial to successful Policy implementation. A vital component has been the development and use of a worksheet that staff uses at the initial stages of an application or project review to conduct a preliminary screening of potential environmental justice issues and communities in the relevant area and assess the level and scope of outreach that may be needed. Staff received training on the worksheet in October and almost all staff reports on the Commission's December agenda went through the environmental screening process. Staff has also been bolstering its outreach in other ways, including sending emails and letters for various projects to groups on our Environmental Justice contact list. To date, staff has communicated with various environmental justice entities and advocates on nine applications via letter, email, and phone calls. A comprehensive environmental justice analysis has been included in five staff reports thus far.

The Commission has also revamped and simplified the sign-up process for its environmental justice contact database. Individuals and organizations interested in applications that may impact their community can identify their specific issues or geographic areas of interest and sign up through the e-list on the Commission's website ([elist](#)) to be part of our Environmental Justice database. This targeted database approach would tailor notification to interested parties based upon their chosen criteria. Staff plans to promote this new tool in the coming months and hopes to get all other interested organizations or individuals signed up.

ENVIRONMENTAL JUSTICE LIAISON UPDATE:

In Fiscal Year 2019-20, the Commission received approval and funding for two new positions dedicated to implementing its updated Environmental Justice Policy. One position will be an Environmental Justice Liaison, and the other will be a support position. Recruitment is expected to get underway in the coming months.

RELEVANT LEGISLATION:

This past fall, the Governor signed AB 1628 (Rivas) into law, revising California's definition of environmental justice. Existing law defines environmental justice as the fair treatment of people of all races, cultures, and incomes concerning the development, adoption, implementation, and enforcement of environmental laws,

STAFF REPORT NO. 57 (CONT'D)

regulations, and policies. AB 1628 strengthens the definition of environmental justice to include meaningful involvement with respect to those actions. It also establishes that environmental justice encompasses the availability of a healthy environment for everyone.

AB 1628 outlines several critical findings to support the revised definition of environmental justice. Discriminatory environmental and land use policies have resulted in generations of injustice towards people of color, low-income residents, tribal communities, and other marginalized populations in California. These policies have produced an inequitable distribution of environmental benefits and burdens. Today, these communities are still disproportionately burdened by such inequities, including high poverty and unemployment, and other health and socioeconomic burdens. AB 1628 states the Legislature's intent to ensure that the populations and communities disproportionately impacted by pollution can enjoy equitable distribution of environmental benefits. This intent calls for equitable access and meaningful involvement in environmental and land-use decision-making.

CONCLUSION:

The Commission has ardently embraced the challenge to implement an Environmental Justice Policy that is meaningful to the communities it serves and to the people of California. During the staff-wide training earlier this year, Executive Officer Jennifer Lucchesi said, "environmental justice is an awareness." In other words, the Policy represents a lens through which staff will view their work. Staff education efforts have worked to create a shared foundation among staff to provide the knowledge and tools needed to be aware of and apply equity and environmental justice to their work. The Commission will continue to engage with staff about the Policy and build on this shared foundation. As Executive Officer Lucchesi has emphasized, the Policy is an opportunity for the Commission to think broadly, comprehensively, and with creativity and empathy.