

Staff Report 62 (Informational)

INTRODUCTION:

In December 2018, the California 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 reflected input from environmental justice and community-based organizations, input from Tribal governments, 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.

This December marks the Commission's second year of implementing its Environmental Justice Policy. This year presented new challenges because of the COVID-19 pandemic, which shifted how we approach our work. The COVID-19 pandemic has created additional barriers to participating in government processes, further constraining the limited capacity and resources many environmental justice organizations and Tribal communities already experience. Staff is working diligently to ensure equitable public participation during this challenging time.

Since the Commission adopted its Environmental Justice Policy, staff has worked internally and externally, collaborating with environmental justice organizations, Tribal government representatives, and other agencies to implement the Policy. Key areas of progress include individual project application specific outreach, interagency coordination, interagency partnership in the development of a community outreach and engagement workshop, development of processes for environmental justice outreach, hiring an Environmental Justice Liaison, and launching a Justice, Equity, Diversity, and Inclusion Team. Below is more information on our second year of implementation.

STAFF TRAINING:

COMMUNITY OUTREACH AND ENGAGEMENT WORKSHOP:

Meaningful community outreach and engagement are foundational to environmental justice. On September 27, 2019, Governor Gavin Newsom signed AB 1628 (Rivas) into law, changing California's definition of environmental justice to also include meaningful involvement of people of all races, cultures, incomes, and national origins. That same year the Commission partnered with the California Environmental Protection Agency, Department of Conservation, State Water Resources Control Board, California Public Utilities Commission, California Department of Public Health, and the Leadership Counsel for Justice and Accountability to develop an in-depth workshop on outreach and engagement from a state agency and community organization perspective. This team developed a model curriculum and held an all-day community outreach and engagement workshop in February 2020. The training, attended by about 130 staff from multiple agencies, included modules, panels, interactive activities, and first-hand accounts of ways to effectively engage communities. Lieutenant Governor and State Lands Commissioner Eleni Kounalakis, Phoebe Seaton, co-founder of the Leadership Counsel for Justice and Accountability, and E. Joaquin Esquivel, Chair of the State Water Resources Control Board, delivered keynote remarks to frame the training.

This collaborative interagency initiative centered on educating state agency staff on how to conduct meaningful community outreach and engagement, primarily in the broader context of environmental justice. Many state agency staff express a lack of training and understanding of how to effectively engage communities in their agencies' processes. This curriculum helped fill in a critical gap and provided staff with education and tools to engage more meaningfully with community members.

The state agency team developed the agenda and module content during meetings spanning about six months, ensuring that the module themes interconnected and tiered off one another so that, like puzzle pieces, they wove together a comprehensive and seamless training. One module explored how to distinguish between outreach and engagement and included a historical perspective into why community engagement matters. Another module introduced the principles of effective outreach and engagement, including highlighting a spectrum of engagement to demonstrate different levels and outcomes. A third module focused on building relationships and the power of transparency, providing insight into how to build sustainable and long-term

relationships with individuals and communities, introducing the value of empathetic communication, defining accountability, and emphasizing the need for transparency and power sharing. The final modules focused on helping staff understand how to troubleshoot and adapt to emerging challenges, and how to evaluate the public engagement process and why that is critical.

VIRTUAL OUTREACH AND ENGAGEMENT:

Since the COVID-19 pandemic broke out, outreach has transitioned to a virtual format. A few months after the February 2020 workshop, the California Natural Resources Agency convened a three-day online environmental engagement conference called "Building Our Skills Together". This conference centered on how government can adapt its traditional public outreach and engagement practices to a virtual medium. It focused on using digital engagement tools to plan and participate in online meetings, how organizations adapt engagement practices during the COVID-19 pandemic, and what it all means for equity and environmental justice.

The principles embedded in the California Natural Resources Agency conference address, in part, concerns about equitable public participation in virtual settings. For example, shortly after the COVID-19 pandemic broke out, the Leadership Counsel for Justice and Accountability, together with dozens of other advocacy organizations, released a letter outlining suggestions to promote equitable public participation during COVID-19. The letter points out that public participation is a crucial part of our democratic process and underscores that all residents must be allowed to have their voices heard in state decision-making processes.

Staff continues to work with the interagency team that developed the community outreach and engagement workshop to create a train-the-trainer guide and curriculum based on the workshop materials and presentations from February. This material will be hosted alongside the online engagement resources from the California Natural Resources Agency's June conference.

IMPLICIT BIAS TRAINING:

This year, the California Natural Resources Agency convened an implicit bias training for senior staff, including managers and supervisors, that work for the departments, boards, and commissions within the Agency. The Commission's senior staff attended the training. Awareness of implicit bias and addressing implicit biases is necessary to effectively engage with environmental justice communities. This training is another example of training intended to provide staff with the understanding and tools to assist with implementation of the Commission's Environmental Justice Policy.

POLICY IMPLEMENTATION:

Staff is implementing the Commission's Environmental Justice Policy in many ways. Staff is part of an environmental justice partnership that includes the California Coastal Commission, State Coastal Conservancy, Ocean Protection Council, San Francisco Bay Conservation and Development Commission, and the National Oceanic and Atmospheric Administration. Staff participates in monthly coordination calls with these agencies to discuss equity and environmental justice. Discussion topics include how agencies evaluate the effectiveness of environmental justice policies, how to implement meaningful community engagement practices, and how environmental justice is analyzed in regulatory settings. Other discussion topics include peer to peer sharing, trainings and staff education, policy initiatives, and resource sharing.

Internally, staff developed a comprehensive worksheet that our Land Management and Mineral Resources Management Divisions use to determine when environmental justice outreach is necessary as part of the application process. This past year, staff sent a total of 590 letters related to 21 lease applications or proposed projects.

Among the key actions that involved environmental justice outreach this year are two geothermal leases issued at the October 2020 Commission meeting to help the State transition to a clean energy future ([Item 45, October 22, 2020](#)). Consistent with its Environmental Justice Policy, staff evaluated the location of the proposed lease areas to determine whether environmental burdens, should there be any, would disproportionately impact nearby communities. Using the CalEnviroScreen 3.0 program, managed by the California Office of Environmental Health Hazard Assessment, staff identified the census tract covering the proposed lease areas along with adjacent tracts bearing environmental burdens, in certain categories, higher than most other census tracts in the State.

Based on the identified environmental burdens, staff conducted outreach to environmental justice communities and sought input on the proposed geothermal leases. Staff contacted 45 individuals and representatives of environmental justice organizations and 28 tribal representatives to notify them about the applications and to solicit comments. Staff engaged with an environmental justice organization for comments and ideas about the proposed leases.

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. Incorporating tribally-identified metrics and narratives is a critical part of the

Environmental Justice Policy, and staff put these commitments into practice with California Native American Tribal partners in 2020. The Commission's Environmental Justice Policy shares several themes with the Commission's Tribal Consultation Policy, particularly trust, meaningful engagement, and continual communication. The policies work together to ensure we respect and apply principles of government-to-government consultation between California Native American Tribes and the State to increase equity and amplify Native perspectives. In the Environmental Justice Policy, the Commission commits to acknowledging ancestral homelands, tribal sovereignty, and indigenous science/expertise. 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. While the Commission's commitment to equitable public access is foundational to its values, it must also recognize the unique Tribal perspectives on "public access" and bring those perspectives to bear on its decisions in order to safeguard cultural heritage and prevent increasing burdens on Native communities.

At its June 2020 meeting, the Commission authorized a patent to the Lone Pine Paiute-Shoshone Reservation of approximately 38.75 acres of State-owned school land located north of Cartago, Inyo County. This action, the culmination of a successful government-to-government Consultation, returns land possessing significant cultural value to the Lone Pine Paiute-Shoshone Reservation. Currently, the Lone Pine Paiute-Shoshone Reservation relies on this site, and many others in its ancestral territory, to remain connected to the Tribe's ancestral and cultural history. Conveyance of the parcel furthers Goal 6c of the Environmental Justice Policy 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"* and Goal 7, to *"honor the importance of Tribes' ancestral homelands, including protect[ing] cultural resources and preserv[ing] sacred and culturally important sites whenever possible, and actively support[ing] opportunities to empower Tribes to protect, restore, and manage their ancestral lands."*

In October, the Commission hired a new Environmental Justice Liaison, Yessica Ramirez, who will lead implementation of our Environmental Justice Policy. Yessica will work closely with all Commission divisions and staff to move our environmental justice program and justice, equity, diversity, and inclusion work forward.

On a similar front, Commission staff recently convened its first Justice, Equity, Diversity, and Inclusion (JEDI) team meeting. This new team is a participatory

decision-making team dedicated to promoting equity, inclusion, and diversity, and addressing environmental justice within the Commission and through its work. In the months to come, the JEDI team will continue its work and build on the efforts of the Commission's environmental justice and Government Alliance on Race and equity teams.

NEXT STEPS:

The Commission is developing a new five-year strategic plan that is intended to be an aspirational, forward-thinking document that reflects ample stakeholder input. Implementation of the Commission's Environmental Justice Policy will be a key element of the new Strategic Plan. Staff has developed a suite of specific recommendations that tier off goals in the Environmental Justice Policy. The Strategic Plan Update and Environmental Justice Policy Implementation Blueprint will provide the framework that guides the development of a specific and detailed workplan, which will be reviewed and updated annually.

Although 2020 has been a difficult year, we have continued to make progress with implementing the Commission's Environmental Justice Policy, and our commitment to environmental justice is stronger than ever. Staff is eager to continue building off its work over the past two years and is especially excited to have a new Environmental Justice Liaison to lead this work. Staff intends to continue to sustain and deepen interagency partnerships and relationships with environmental justice communities and advocates. Staff also intends to leverage the new Strategic Plan, once adopted, to guide how it prioritizes implementation of its Environmental Justice Policy. Another area where staff expects to see growth in the coming year is in the intersection between Climate Change and environmental justice. As this unprecedentedly challenging year comes to a close, staff is assessing what has worked well and what can be improved. This internal reflection, coupled with ongoing external collaboration, is intended to position the Commission to continue to successfully implement its Environmental Justice Policy.