

**California Bay-Delta Public Advisory Committee
Environmental Justice Subcommittee
Meeting Summary
May 9, 2003
650 Capitol Mall, 5th Floor
Sacramento, CA
11:15 p.m. – 3:45 p.m.**

I. Welcome / Introductions

- The meeting, which was originally scheduled to begin at 10:00 am, commenced at 11:15 am due to a lack of quorum. Ken McGhee, EJ Coordinator, welcomed the group and introduced himself. Subcommittee members and participants introduced themselves. A partial list of attendees is included at the end of this summary.

II. Agenda Review / Updates

- Ken reviewed the agenda and the group agreed to informally modify the agenda to accommodate the later starting time. Additionally, Ken announced that several presenters were scheduled to address the subcommittee starting at 1 pm. The discussion and adoption of the Draft Priorities List, as well as the review of the Draft Work Plan, would have to be abbreviated. The thirty-minute lunch break scheduled to occur before the presentations would also most likely have to be shortened.
- Ken updated the group on activities that had taken place since the last EJSC meeting in late March. The subcommittee agreed to skip the April meeting so that the group could get back on the previously agreed to schedule (EJSC meets the second Friday of each month). During April, Ken attended a CALFED Watershed Partnership Seminar. The Watershed Subcommittee and the Environmental Justice Subcommittee are closely related, and there has been an on-going desire to deepen the relationship between the two groups. A joint meeting of the Watershed Subcommittee and the EJSC has been scheduled to occur in July, on either the second or third Friday. The Environmental Justice Coalition for Water will be involved in the coordination of that joint meeting.
- Dan Wermiel, coordinator for the Watershed Subcommittee, told the group it was the intention of the Watershed Subcommittee to organize a series of public forums. The meetings will be held in locations near projects funded by the Watershed group. Dan suggested that the EJSC might want to participate in this effort.
- Ken reported that two weeks ago he participated in a Planning and Conservation League symposium. Ken provided symposium participants information about environmental justice issues and CALFED. Tyrone Buckley, head of PCL's Diversity Program, briefly informed the Subcommittee about the origins and objectives of the Program.

- An announcement was made about the proposed regulatory action adopting Cal EPA's Environmental Justice Small Grants Program. A public hearing on the proposed action has not been scheduled. Written comments relevant to the proposed regulatory action must be made by May 26th. Comments should be addressed to Romel Pascual, Asst. Secretary for Environmental Justice. It was suggested to send the notice and information to all people on the EJSC database. Ken agreed to forward the information.
- Martha Guzman updated the group on Proposition 50 (SB 21). She and Alisha Deen, Environmental Justice Coalition for Water, have been working with legislation on the implementation language of the bill. Martha informed the group they had successfully lobbied to have the grant proposals involve "economically challenged and severely economically challenged communities."
- A subcommittee member inquired about the Mercury Strategy presentation that had occurred on March 26th. It was reported that Dr. James Wiener, presenter and lead author of the report, was extremely receptive to suggestions raised by members of the audience. Some attendees were critical of the report's public involvement component, especially its omission of tribal outreach. Dr. Wiener was very supportive of incorporating environmental justice ideas into the Strategy. He expressed a desire to participate in a July or August meeting in Lake County focused on tribal outreach. The idea of holding an EJSC meeting with a Mercury Strategy presentation in Lake County in late summer was briefly discussed by the Subcommittee. A representative of the Upper Lake Pomo Tribe told the group an EJSC meeting would be very welcome in the area.
- Samira Jones informed the Subcommittee that the Department of Health Services recently held a successful series of public workshops in various environmental justice communities. The meetings in the Lake County area were particularly well attended.

III. Discussion/Adoption of Draft Priorities List

- Ken asked the Subcommittee to review the Draft Priorities List distributed last meeting. Members of the EJSC Work Group had created this List using the Work Plan as a guide. Working from these two documents, Ken drafted a Multiyear (Years 2004-2007) and Annual (Year 2004) Program Plan. Approval of the Draft Priorities List is designated as an Action Item.
- To provide additional context, Eugenia Laychak informed the group that on June 5th, the BDPAC will meet to review the priorities and actions of each of the CALFED Subcommittees. The BDPAC will then make recommendations regarding these issues to the California Bay-Delta Authority. The June 5th meeting will be the only opportunity for the BDPAC (and consequently the Authority) to be made aware of issues concerning the Environmental Justice Subcommittee.
- A member of the Subcommittee stated that it would be hard to thoroughly examine the priorities without knowing the status of the EJSC budget.
- Ken told the group that their funding primarily comes from the General Fund. He was recently informed that there is \$250,000 available that must be spent or encumbered by June 30th, 2003. A portion of that money could go to a consultant

that would provide Ken and the group administrative support. Ken explained that he had been advised by legal counsel that this money could only be spent on consultant activities resulting in “products” not “services.” The definitions of “products” and “services” were explained to the group.

- Ken explained to the group that the Master Service Contract that currently mentions Environmental Justice identifies the contractor Jones and Stokes Associates (JSA) to work with the EJSC. Ken spoke with the contractor and established a list of products that could be “drafted” by the June 30th deadline. The products include:
 1. Summary Report of the previously held EJ public workshops
 2. GIS maps denoting EJ communities
 3. Presentation materials (PowerPoint show, brochures) for EJSC
 4. List serve for EJSC separate from the CALFED data base
- Ken noted that a work assignment for JSA must be sent to them ASAP since they require two weeks to approve the contract. That will leave approximately thirty days for the products to be developed. JSA suggested that products created by June 30th need not necessarily be “final” products, but they could be labeled as “drafts” which would allow the EJSC time to review and make edits.
- The group was informed that if a task is budgeted for more than \$50,000, another level of review is required. Thus, no tasks for JSA should total more than \$50k.
- Referring to the Draft Priorities List, Eugenia asked the Subcommittee to verify which of the thirteen items listed are of highest priority. She heard the following:
 - Capacity Building among EJ groups and communities
 - Create “standard” EJ/EJSC presentation
 - EJSC meetings in, among and with AFFECTED COMMUNITIES
 - Mapping (by Watershed and with GIS)
 - Tribal outreach
- Subcommittee members stressed the need for ensured access for all to the EJSC meetings. Providing a toll-free call-in number, teleconferencing support, and stipends were suggested. This is potentially the highest priority for the group.
- A planning retreat for the EJSC, all subcommittee organizers, and CALFED program managers to discuss EJ was mentioned as another high priority for the group. It was suggested that the consultants assist with this effort.
- Members of the Subcommittee cautioned that GIS mapping and presentation materials could become very expensive consultant line items. Furthermore, much of the GIS work has already been compiled by the EPA and other groups. Parameters will need to be established. Torri Estrada, EJ Coalition for Water, has drafted the GIS mapping request. It was suggested to involve Subcommittee members familiar with consultant rates and tasks before the contract is finalized. Robin Freeman, EJ Coalition for Water and consultant, offered his assistance.

- Martha Guzman asked who decides the interpretation of “products” versus “services.” Eugenia explained that until the Authority has been officially formed, DWR is the ultimate authority for CALFED Subcommittees.
- Martha asked if part of the money could go towards studies/grants that are already occurring (such as the Delta Storage plan, Water Transfers, or the Fish Consumption study) for an EJ assessment component. She suggested encumbering part of the money for these activities. Referring to the Work Plan, Martha recommended using some of the money for items 6e (Develop program to address the potential adverse impacts of water transfers) and 6f (Develop program to address the basic water infrastructure needs). She and Ken agreed to look further into this possibility.
- **The following amendments were made to the Draft Priorities List:**
 - **Add “including technical assistance” to the end of priority #5.**
 - **Change wording of #9 to read “EJ analysis of existing CALFED projects” instead of “Special attention to.”**
 - **Add priority #14: Set indicators of performance for each of the program areas.**
 - **Add priority #15: Ensure access to all meetings (by providing a toll free number, teleconferencing support, stipends, etc).**
 - **Add priority #16: EJSC to serve as a clearing-house and offer guidance, but not act as a substitute for EJ review.**
- **A motion was made and approved to proceed with establishing a task order for JSA to complete the products heretofore discussed.**
- **A second motion was made and approved to adopt the amended draft Priorities List.**

IV. Year 4 (draft) Program Plan

- The draft Program Plan was reviewed by group members in the previous discussion. The Program Plan combines the concepts of the Work Plan and the Priorities List. Subcommittee members agreed to analyze the Plan and provide comments to Ken.

V. Status Report—Water Transfer Program and Survey

- Richard Hunn of the CALFED Water Transfers Program presented first about a study CALFED has contracted CH2M Hill to perform. He introduced Fatuma Yusuf, CH2M Hill, who described the process to develop, and results of, interviews recently executed to gain insight on perspectives towards water transfer impacts. The consulting team compiled a list of contacts from the EJSC sign-in sheets with input from Ken McGhee and Martha Guzman. Fatuma, Richard, and another economist from CH2M Hill then developed the questionnaire, and forwarded it to Ken for EJ approval. The last phase of the study methodology was the collection and compilation of data. The preliminary results of the study were highlighted in the team’s presentation, copies of which will be made available to Subcommittee

members per request. The questions that were asked of each interviewee were supplied in a handout that was made available to the group.

- Some preliminary results of the study include:
 - The majority of those interviewed felt that 3rd parties should be compensated for water transfers.
 - Roughly 2/3 of those interviewed felt that compensation payments should be made to individuals (or organizations, or county/government agencies).
 - Monetary payments is the preferred method of compensation. Also suggested as equitable compensation were job retraining and education programs.
 - There was no consensus on how to identify the potential compensation recipients, nor on which organization would be best suited for monetary compensation. Suggested organizations included the United Farm Workers, Salvation Army, and the Hispanic Resource Center.
 - There was no consensus on the duration of compensation, though 30% felt it should correspond to the duration of the impacts.
 - There was also no consensus regarding linking the compensation package to the type of crop to be fallowed.
- Positive impacts of the Water Transfers included: increased reliability, improved water quality, and cost savings.
- Negative impacts included: habitat loss and job/income/other economic loss.
- Common themes found in responses: payments to government agencies should come with strings attached to avoid high administrative costs, and involve the affected participants in the decision-making process.
- The team attributed the lack of consensus most likely to the divergent interests among the participating organizations and individuals, and to the increasing participation of other interest groups (landowners, water districts, etc).
- The next step of the study is to draft a report summarizing the perceived effects of water transfers.
- A Subcommittee member asked why the transfer period was assumed to be one-year. Richard responded that the majority of past water transfers have occurred over one year. The Subcommittee member speculated that the negative impacts of the transfers would last longer than one year, and reminded the group that 30% of the respondents had said that the compensation should last as long as the impacts do.
- A participant agreed with the team's assumption about the lack of consensus; this verifies the fact that the EJ community is very divergent. The compensations should thus occur on a case by case basis.
- Ken commended the team for their early inclusion of the EJSC comments into the process. He felt they performed the necessary outreach to the appropriate EJ constituents.

- The team was asked how they determined the impacts of water transfers. Richard responded that they asked the interviewees what they thought the impacts would be. It was beyond the contract scope for the team to quantify/qualify potential impacts.
- A discussion about the role of the Public Trust Doctrine followed when a Subcommittee member asked about water being used as a public resource. He told the team that many people do not know about their rights and the PTD. He feels this is an issue because water is being transferred from agricultural use to urban use; it involves the conversion of a public resource for private use.
- The team was encouraged to look for or establish a pilot program to determine, qualify, and quantify the impacts of water transfers. Richard responded that they will look for standards and other examples for comparison.
- The team was thanked again and asked to continue to work with the EJSC.

VI. Overview—Environmental Water Program

- Campbell Ingram, Fish and Wildlife Service, provided the group with an overview of the Environmental Water Program (EWP), the purpose of which is to acquire water to assist in carrying out the goals of the Ecosystem Restoration Program Plan (ERPP). Campbell distributed copies of his PowerPoint slide show to meeting participants.
- In 1998, the Secretary of the Interior set aside funds for environmental water acquisitions. A steering committee helped establish goals and objectives for EWP and Pilot Water Acquisitions. The steering committee was replaced by the BDPAC Ecosystem Restoration Subcommittee.
- Campbell showed a slide detailing the funding status of EWP, which as of January 2003, had a balance of \$7.3 million available.
- EWP's initial implementation was Pilot Water Acquisitions, the goal of which was to acquire 1-3 water acquisitions in support of the ERPP. Three guiding principles were developed regarding the pilot water acquisitions:
 - Acquisitions conducted on a willing seller basis
 - Proposals developed by local interests and the ERP Implementing Agencies
 - Acquisitions designed to test hypothesis regarding water management
- Eligible streams were prioritized, reflecting 1996 flow recommendations. In the first tier are four northern creeks (Clear, Mill, Deer, and Butte) and the Tuolumne River in the south.
- Campbell described the acquisition process (not a PSP process), the organization of the EWP proposal preparation teams, and the proposal selection process. The EWP has coordinated with numerous related programs, including EWA, CVPIA Water Acquisition Program, CVPIA (b)(2), DWR Dry Year Program, Sacramento Valley Management Program—Phase 8, Water Use Efficiency, and others.

- The next steps are to continue outreach program in Tier 1 watershed, hold public workshops soon to form Core team and local teams, and begin developing conceptual proposals.
- A Subcommittee member asked if Campbell expected any willing sellers, to which Campbell responded some are in favor, while others are not. Ranchers have been resistant towards transferring water. Various meeting participants mentioned that Process 1707 is not working as well as it was originally envisioned.
- Campbell was asked about his tribal outreach efforts. Three recognized tribes have been identified and contacted. The CALFED tribal coordinator is working with EWP on involving other tribes, including non-recognized tribes.
- The Subcommittee commended Campbell on the pro-active approach of EWP. They asked how the EJSC could be of assistance. Campbell requested help in making contacts and ensuring advertisements are placed in appropriate newspapers.
- The question of who represents the public trust in the Core group was posed. The Subcommittee member requesting this information explained that property rights do not cover the public rights to water; the public wants and needs agencies to protect the public trust. There is an obligation to educate the public about resources in its trust. Campbell responded that by maintaining the flow regime of these streams, more public trust components are generated (healthy habitat, fish for food, etc).

VII. Informational Update—Working Landscapes Subcommittee Proposal

- Ken Trott, Department of Food and Agriculture, addressed the group about the Working Landscapes Subcommittee proposal. This Subcommittee was formed as a venue for private landowners, grower groups, environmental interests, and others to address the BDPAC and CALFED Authority about their concerns. Representing the Working Landscapes Subcommittee, Ken presented their draft recommended proposal for the use of Proposition 50 agriculture and wildlife integration funding.
- The proposal would demonstrate and develop "working landscapes" approaches to CALFED Ecosystem Restoration Program implementation. It asserts that wildlife management and farming can work together. The proposal attempts to address local community and landowner concerns with the implementation of CALFED in a way that still accomplishes CALFED ecosystem restoration goals. It should allow farmers to feel more comfortable creating habitat for species that may be endangered.
- The proposal suggests two types of grants eligible to local community organizations with landowners through Prop 50. In addition to the regular type of restoration grant, a second type of "planning" grant would be made available to groups who do not have the resources to develop a competitive grant proposal. These would be small grants, and EJ Subcommittee members pointed out similarities with the Cal EPA EJ Small Grants proposal discussed briefly at the beginning of the EJSC meeting.

- The Working Landscapes Subcommittee (WLS) will finalize the proposal on May 16th before forwarding it to the BDPAC. They are seeking input from the various CALFED subcommittees, including Environmental Justice. A copy of the proposal (with edits) will be e-mailed to all EJSC members. If Subcommittee members could review the document and forward any comments to Ken Trott by May 16th, the group will consider them as they prepare the final draft. Please e-mail Ken at ktrott@cdfa.ca.gov.
- Ken McGhee thanked the WLS for wanting to involve Environmental Justice Subcommittee input. Ken congratulated the WLS on having CALFED Director Patrick Wright support and kick-off the subcommittee’s work. It was noted that there is a kinship between the two sub-subcommittees. EJSC members were encouraged to attend WLS meetings whenever possible. They generally meet the first Thursday of each month.

VIII. Local Issues

- Since the EJSC meeting ran almost two hours beyond the anticipated ending time, only a handful of participants remained, and local issues and new business was not discussed.
- The next meeting was scheduled for June 13th, location to be determined.

VIII. Adjourn

- The meeting was officially adjourned at 3:45 pm. Remaining Subcommittee members were treated to a quick tour of CALFED’s new offices on the fifth floor of the building.

Meeting Participants

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