

**California Bay-Delta Public Advisory Committee  
Environmental Justice Subcommittee  
Meeting Summary  
July 11, 2003  
Pacific Institute  
654 13<sup>th</sup> St, Oakland, CA  
9:30 am – 2:30 pm**

**I. Welcome / Introductions**

- Ken McGhee, EJ Coordinator, welcomed the group and introduced himself. Ken also welcomed co-chair Martha Guzman, who participated in the meeting via telephone. Dr. Henry Clark was introduced to the group as the interim co-chair of the EJSC. Subcommittee members and participants introduced themselves. A partial list of attendees is included at the end of this summary.

**II. Agenda Review / Updates**

- To accommodate the large number of new attendees Ken suggested the agenda be re-arranged so that local issues and new business be discussed before reviewing the FY 2003 expenditures and FY 2004 work plan. Co-chair Martha Guzman stressed that a thorough review of the work plan should occur, and expressed concern that if it were left towards the end of the agenda, the work plan review might not receive the time and attention required. It was agreed to leave the agenda as is, keep a close eye on time, and make changes to the order of items presented as needed.
- The ESJC policy regarding open public comment on all agenda items was reiterated for new attendees.
- Ken reported to the group that the joint EJ/Watersheds Subcommittees meeting originally scheduled for July 11<sup>th</sup> has been postponed due to budget and staff resource limitations. Conner Everts reported that Martha Davis of the Watershed Subcommittee looks forward to arranging the joint meeting for later in 2003. Sonja Wadman reported that Greg Gartrell, co-chair of the Drinking Water Subcommittee (DWS), had been planning to attend the July 11<sup>th</sup> joint meeting; members of the DWS would like to coordinate with the EJSC and look forward to attending the joint meeting when it is rescheduled.
- A motion was made and seconded to approve the summary notes from the last EJSC meeting (June 13<sup>th</sup>) without further comment.

**III. FY 2003 General Fund Expenditures**

- Ken reminded the group that EJSC is not a program element of CALFED, and is therefore supported entirely by General Fund revenues. Ken reported that the EJSC had approximately \$250,000 that needed to be spent or “parked” by the end of the

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fiscal year, June 30, 2003. With limited time, a spending program was developed and implemented, with the funds be allocated to the following activities:

- In June, the EJSC held its first “on the road” committee meeting in Richmond.
- Essential supplies devoted to support the EJSC were purchased.
- A portion of the funding was “parked” in DWR and will be available for allocation to future projects.
- Approximately half (\$125,000) went to Jones and Stokes Associates (JSA) to develop draft work products for the EJSC. Ken updated the Subcommittee on the progress made by JSA, and offered to provide copies of the documents for quick comment. He reported that JSA was not able to complete all of the tasks they had been charged with, therefore some of the funds allocated to this effort may be unavailable to the EJSC for future programming. The products JSA did complete include a summary report of the EJSC public workshops held 2001-2002, a Power Point presentation providing an overview of the EJSC, and a document identifying GIS sources for the CALFED solution area that could be used for EJ purposes. Ken informed the group that the summary workshop report had been finalized, and that the GIS document was in final draft form.

**Action Item:** *Ken will provide EJSC members requesting an electronic version of the GIS document on Monday, July 14<sup>th</sup>. EJSC members with comments or edits need to send them to Ken by Tuesday, July 15<sup>th</sup>.*

- The group requested that Ken provide them with a document detailing where the 2003 funding went and with the status of the balance (if there is one). The Subcommittee requested information on how much money was sent on purchasing supplies, how much money was left-over from the JSA contract and what will happen to that money, how much money was “parked” in DWR for future allocations. Ken agreed to follow-up.

**Action Item:** *Ken will provide further details or make a document available to EJSC members describing the expenditures of FY 2003.*

- The group discussed how EJSC members might receive information regarding meetings, upcoming events, and shared documents electronically. Several members reported that they had not received any meeting information or other communication regarding the EJSC via e-mail. Other participants indicated that there may be some confusion regarding placement on the e-mail list serve, assuming that anyone who signed the meeting attendance sheet would automatically be included on the list serve, and would therefore receive e-mail notifications from the EJSC. Ken said that that is the intention. He mentioned that JSA had been tasked to create an EJSC database, but it appears that the contact information was incomplete.
- Participants were informed that by logging onto the CBDA web site ([www.calwater.ca.gov](http://www.calwater.ca.gov)) home page, one could register to be on any Subcommittee’s list serve. Ken requested that attendants check the CBDA web site and try to subscribe to the EJSC list serve.
- Sonja Wadman mentioned that her firm, Public Affairs Management (PAM), provides meeting preparation and support for the Drinking Water Subcommittee (DWS). PAM

has modified and updated the DWS Project Manager's database (the primary database of the Subcommittee members and meeting attendees) but that the list serve established by signing-up through the CBDA is maintained by them, and reportedly updated regularly. Sonja mentioned that PAM provides DWS members and participants with an electronic packet of meeting materials (agenda, relevant documents, Power Point presentations, etc) for up-coming meetings so that members and participants can review materials to be discussed before the meeting occurs. She stated that PAM could offer similar assistance to the EJSC, if it were so desired. Several Subcommittee members agreed that this would be a preferred way of preparing for (and thus participating in) upcoming EJSC meetings. Ken agreed to follow-up on the issue of e-mail distribution databases and facilitating meeting preparation.

- A participant inquired about the status of the letter written by Martha Guzman and Alisha Deen that was to be sent to from the EJSC to Patrick Wright (CBDA Director) and the appropriate leadership of other agencies. This was voted on as an action item from the June meeting, the notes from which indicate that the letter stress that any "earmarked" dollars be utilized as determined by the EJSC. It was also suggested at that June meeting that a similar letter come from Assemblywoman Montanez, and the request was made to the Assemblywoman's assistant Ms. Janelle Beland, who was present at the June EJSC meeting. Martha and Alisha indicated that they had provided the EJSC letter to Ken for his comments, which he reported he returned to them for incorporation. It was moved that the EJSC letter be finalized and forwarded by Ken McGhee, with assistance from Martha and Alisha.

***Action Item:** Ken, Martha, and Alisha will finalize and forward the EJSC letter to the leadership of appropriate parties, particularly Patrick Wright of CBDA.*

- A Subcommittee member requested that more joint efforts happen between the CBDA Subcommittees. He suggested that the subject of collaborative grants, studies, and funds be placed on the upcoming agenda of a future yet undetermined joint Subcommittees meeting involving the EJSC. All agreed that was a good agenda item for a joint meeting.

#### **IV. FY 2004 Work Plan and Budget**

- Ken reminded the Subcommittee that the FY 2004 work plan had already been adopted by the BDPAC at their last meeting. The purpose of this review was to see where edits to the original work plan had been made by Ken as needed; he provided a copy of the original work plan that tracked the changes which had been made to the work plan. Ken offered the group time to review the different work plans. He said that all was needed was a motion to approve the work plan with the changes noted as amendments to the original work plan that has been approved by the BDPAC.
- Ken informed the group that two important dates were approaching that could serve as appropriate venues for EJSC co-chairs (and members) to attend, and perhaps speak or present the changes to the work plan as an amendment. The two dates that could present an opportunity for EJSC comments are:

- ✓ **Monday, July 21, 9 – noon**, a public workshop for the new members of the CBDA to be held at the Resources Building. At this workshop, the recently appointed CBDA members will have a chance to hear from the public about the operations of the Authority and its BDPAC Subcommittees, including the EJSC. This would be an opportune time for the co-chairs to address the appointees and potentially introduce the EJSC by discussing highlights of the work plan and announce the amendments to it.
- ✓ **Thursday, August 14** (time and agenda have yet to be finalized). This will likely be a more formal meeting of the recently appointed CBDA members at a BDPAC meeting. When the agenda and meeting information become available, Ken agreed to forward it to EJSC members. If the EJSC co-chairs were considering addressing the CBDA members at this meeting, coordination with the BDPAC would be required. One member commented that this might be an appropriate time to bring-up the issue of the co-chair position that has been filled by Dr. Henry Clark in the interim due to co-chair Leslie Lohse's resignation.

***Action Item:** Ken would work with the co-chairs on potential short speeches at the up-coming CDBA meetings. Ken would e-mail the final agenda of the 8/14 meeting to EJSC members.*

- A member recommended moving the Local Issues and New Business agenda items to the present time to accommodate new meeting participants. The group agreed to defer any further discussion of the work plan until after reviewing Local Issues and New Business. Ken requested that meeting participants review the changes to the work plan and provide comments to him early next week.

## **V. Local Issues/ New Business**

- Sharon Farrell, director of the non-profit environmental education and community creek supporter Aquatic Outreach Institute, addressed the group and shared her observations of a recent trend she has noticed in the grant community. Sharon commented that projects in urban neighborhoods, such as creek day-lighting, which had been popular in the past and supported through a variety of grants, have been passed up in favor of projects that appear to have “high conservation value.” The EJSC noted that the criteria for funding small grants seem to have shifted slightly from benefiting urban areas that might result in higher social values to funding projects with high conservation value. Sharon informed the group that one could seek funding locally, but city/county staffers are not educated on EJ issues. She expressed a need for EJ outreach to local entities, which often have the resources to fund smaller grants.
- Interim co-chair Dr. Henry Clark informed the Subcommittee that Contra Costa County has recently hired an Environmental Justice Coordinator and formed an ad hoc group to develop an EJ strategy for the county. The group includes the County's Board of Supervisors. He added that there are many priority issues to be addressed by the Strategy, particularly the impacts of illegal dumping practices. Dr. Clark reported that the ad hoc group will meet again, with the objective to revise the Strategy so that it

serves as an EJ model that will facilitate inter-agency coordination. It was suggested to post the Strategy on the EJSC web site.

- Ken reported that the Resources Agency has been holding environmental justice workshops with tribes to develop a draft EJ/Tribal Strategy for work and grants within their agencies. It was suggested to post the Strategy on the EJSC web site.
- Ken also informed the group that the California State General Plan Guidelines have added a chapter that discusses Environmental Justice issues. Ken handed-out copies detailing the General Plan Guidelines updates, which explained that among other changes to the General Plans, the discussion sections shall include environmental justice concerns. It was suggested to post the Strategy on the EJSC web site.

***Action Item:** Ken shall make available to EJSC members and post on the EJSC web site the three above-mentioned EJ Strategies.*

- A subcommittee member reported that the language of AB 1497 (Montanez) was being finalized with assistance of Martha Guzman and Alisha Dean. The group wondered how Legal Services of Northern California could assist the EJSC with their legislative efforts. Sofia Sarabia of Legal Services addressed the group and explained that her firm is a non-profit Sacramento group that usually addresses housing issues but is interested in becoming involved with water concerns. She offered to coordinate with Martha and Alisha, as well as with the EJSC, and see where Legal Services may be of assistance to EJ communities.

***Action Item:** Sofia Sarabia, Legal Services of Northern California, shall coordinate with the EJSC and assist in analyzing or recommending legislative language, etc.*

- A meeting participant stressed to the group the importance of the Collaborative Grant Program of the EPA. He suggested groups such as the EJ Coalition for Water apply for grant money. Ken reminded the subcommittee that there is a standing invitation for a representative of the EPA to address the subcommittee on the subject of their collaborative grant process. A handout was made available describing the EPA's collaborative problem-solving grant program. The fact sheet detailed how community-based organizations that will utilize "tools developed by the EPA and others" can potentially receive funding. A member wished for clarification on the specific tools referred to, and if these tools were available for public review. Ken suggested having a representative from the EPA address the subcommittee at its August meeting.
- A member from the Environmental Justice Coalition reported on the public workshops that have been organized by the Central Valley Regional Water Quality Control Board (CVRWQCB) to discuss the extension of agricultural waivers for ag discharge. For thirty years, farmers have had these waivers, where as urban users must secure permits for pollution discharge. The public meetings were held Thursday, July 10 and Friday, July 11. At least 150 people representing myriad communities, public interest groups, and individuals traveled to Sacramento on the 10<sup>th</sup> to support stronger regulations of agricultural discharges. The public had been informed that specific time limitations

would be set for those representing the various interest groups involved. These time limits would have ensured a balanced hearing on the 10<sup>th</sup> of the concerns of individuals, those representing specific communities, environmentalists, and other public interest groups, along with agriculture's representatives. Instead:

- these time limits were not adhered to,
- agriculture's testimony dominated the proceedings,
- the public did not have the opportunity to even begin testifying, and
- it was belatedly announced that the opportunity for public testimony would not occur until the following day.

Members of the EJSC were very displeased with the proceedings of the workshop that had occurred on the July 10<sup>th</sup>. The group felt that the apparent disregard for public and community comment (other than that supporting agriculture) was unacceptable. The enormous efforts of organizers to bring public input to the table were belittled by the managers of the workshops. This is not a positive reflection of the mission of the CVRWQCB, which is to control the water quality of the Central Valley region, not protect agriculture's financial interests. The EJSC also feels that all entities which impact our public resources should act to minimize those impacts and protect the common good. It was recommended to draft a letter from the EJSC expressing extreme disappointment with the apparent lack of public participation at the workshops.

***Action Item:** Andria Ventura will coordinate with Ken McGhee, Conner Everts, Peter Jacobsen, and Dr. Henry Clark ASAP to draft a letter to be sent by the EJSC to the CVRWQCB (and copy to other agencies) regarding the unacceptable disregard for public participation that was apparent at the ag waiver public workshops.*

- The group discussed the need for a forum to discuss EJ concerns (such as the agricultural waiver issue) with other relevant BDPAC Subcommittees, such as the Drinking Water Quality, Watersheds, and Working Landscapes Subcommittees. Ken Trott of WLS informed participants that WLS is more concerned with habitat adjacent to agricultural parcels, and of course the effect of non-regulated ag run-off into those habitats. Ken Trott agreed that WLS is also concerned with EJ issues, and welcomes coordination with the EJSC on a variety of projects. It was recommended for EJSC representatives to attend the next WLS meeting (7/22) and discuss with them the potential to coordinate on a project regarding agricultural drainage solutions.

***Action Item:** If no one can attend the 7/22 WLS meeting in person, Ken McGhee will provide Ken Trott with talking points about the EJSC and potential project coordination concerning agricultural drainage solutions.*

## **VI. FY 2004 Work Plan and Budget (continued)**

- Returning to FY 2004 Work Plan and budget discussion, Ken McGhee reviewed the changed components in the Plan that reflect what was recommended at the Richmond meeting last month. Ken requested clarification on the wording of and reasoning behind 1d regarding public assets. Participants were unsure, and speculated that Michael

Warburton has suggested that addition. Michael was not present at this meeting to provide clarification, so Ken will need to follow-up with him later. Dr. Henry Clark commented that he believed Whitney Dobson had perhaps brought that issue up because of the access and development concerns along the Richmond waterfront, which is considered a public asset.

***Action Item:** Ken will clarify intent of 1d in Work Plan after consulting with Michael and possibly Whitney.*

- A meeting participant expressed concern over the inclusion of the word “adverse” before “impacts” on 6e, which addresses water transfers. He stated that there are some positive benefits with water transfers. The group agreed to strike the word “adverse.”

***Action Item:** Ken will remove “adverse” from the wording of 6e.*

- The group discussed the similar language of 6d, which addresses land retirement impacts. In the Lead(s) column, it was suggested to add the EWA, Bureau of Reclamation, Working Landscapes Subcommittee, and Water Transfers program.
- Ken Trott offered his suggestion of more generalized recommendations, which is what WLS did in their work plan. He referred the group to the WLS web site, where the plan is posted.
- A EJSC member suggested coordinating with the Ecosystem Restoration Program (ERP) to determine where funding is needed or requested, and suggest that the ERP focus more of their grants in areas where capacity-building efforts are needed. Ken Trott informed the Subcommittee that the policy framework on WLS web site encourages capacity-building grants through the ERP. A participant asked if the ERP Framework requires outreach to EJ communities. The group was informed that outreach is mentioned in the ERP work plan, but there are no specific actions outlined.

***Action Item:** Draft a letter to CBDA and ERP encouraging outreach and capacity-building grants. This letter could also be co-signed by the WLS. Ken Trott recommended citing the WLS work plan and policy framework in the letter. Ken McGhee agreed to draft the letter with the support of the co-chairs the week of 7/14 so that Ken Trott can bring the draft letter to the WLS meeting 7/22.*

- The group discussed item 6m and agreed for the need specify EJ related projects for each Program Element. The list that was developed at the June EJSC meeting held in June was reviewed. It includes:
  1. Bruner Marsh
  2. Color Spots
  3. Inertial Creeks
  4. Yosemite Slough
  5. Wildcat Creek
  6. 1300 Filbert
  7. Chelsea Project

- A member commented that the list is reflective of the concerns of area in which the meeting was held. It was suggested that Ken e-mail EJSC members with ideas for other projects that would cover the entire solution-area of CBDA.

***Action Item:** Ken will e-mail EJSC members with ideas for other projects to be identified under item 6m. A quick turn-around was requested for this.*

- A subcommittee member stressed the need for the development of EJ criteria for projects to be considered for EJ support. She also referred the group to item 2d, and the need to create performance measures and objectives/strategies for the CBDA program elements.
- Items 1c through 1g were identified because there is nothing listed in the Budget column. If the EJSC cannot assume its own money, the work plan needs to ensure that funding is allocated towards other groups that are concerned with EJ issues.
- Dr. Henry Clark asked the group to focus on the items in the work plan that require funding so those programs or actions can be targeted and followed-up upon.
- The group turned its attention to item 1c, which expressed the need to enhance public participation tools. Members stated this means more than stipends. For example, EJ participation could call for translation and day-care services.
- A timeline was suggested to help prioritize projects.

***Action Item:** EJSC members will provide Ken McGhee with their top three (at the least) projects/priorities that the group should focus on.*

***Action Item:** Ken McGhee will forward these comments to Ken Trott who volunteered to compile them for the next EJSC meeting.*

***Action Item:** Ken McGhee (or meeting preparation assistant) will forward the compiled list to EJSC participants for them to preview before discussion at the next meeting.*

***Action Item:** EJSC participants shall review the program plans and strategies of each of the CBDA program elements and look for EJ concerns. To be assigned.*

## VII. Adjourn

- The next meeting will occur on August 8. EJSC participant priorities from the work plan will be on the agenda. Kan requested assistance on the logistics of the next meeting location, if it is not to be in Sacramento.
- A participant suggested that since new attendees are often at the EJSC meetings, the meetings should strive to begin on time, have a greeter with the sign-in sheet present, perhaps have a brief review for them about the background of CBDA and the EJSC, and move the local items to the beginning of the meetings. The suggestions were noted.



## Meeting Participants

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