

(DRAFT – 11/03)
California Bay-Delta Public Advisory Committee
ENVIRONMENTAL JUSTICE SUBCOMMITTEE
(Mission, Purpose, Membership, Decision-Making)

Mission: The mission of the Environmental Justice (EJ) subcommittee is to provide advice and guidance to the Bay Delta Public Advisory Committee (BDPAC), California Bay-Delta Authority (CBDA), and all California Bay Delta Program Elements to ensure the implementation of the CBDA Program actions and policies includes 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. This includes identifying and addressing, as appropriate, disproportionately high and adverse human health and/or environmental effects of its programs, policies, and activities on all potentially affected communities.

Purpose: The subcommittee will work to make certain that EJ, EJ principles, and EJ concepts are fully integrated into all CBDA Program Elements. This shall be accomplished by the following activities, but not limited to those listed herein:

- Meaningful public participation
- Exchange of information
- Analysis of programs, issues and policies
- Training and education
- Fact-finding
- Community outreach

Membership: The Subcommittee shall consist of a balanced and diverse set of members representing key interests of importance to the CBDA. There will be twenty-five (25) members, five (5) each from one of the five (5) CBDA regions. Each of these twenty-five members will also have a particular expertise, knowledge and/or background in some area pertinent to EJ. Each member will, additionally, have both interest in and knowledge about the CBDA and its role. Every effort will be made to strive for balance so that potentially affected communities are well represented on the EJ subcommittee. Furthermore, five (5) members will represent some of the federal and state agencies that comprise the CBDA. A Federal and State Lead Agency will be selected to serve the EJ Subcommittee as well. All members, as well as the Lead Agencies will be subject to BDPAC approval. The subcommittee will have two co-chairs, also subject to BDPAC approval.

Decision-Making Protocol: The Subcommittee will use a collaborative, consensus-based approach to decision making whenever possible. The Subcommittee will seek unanimous agreement on all important decisions. This means that each individual member shall have an individual veto over any decision before it becomes final. Consensus is a participatory process whereby a group commits to thinking and working together in reaching a decision. Unanimous agreement may not always be achieved, but through focused and interest-based discussion closure on issues will be achieved.



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California Bay-Delta Public Advisory Committee

Meeting Date: 3/25/03
Agenda Item: 5D

A Proposed Collaborative Process and Definition of Consensus for the Committee Structure

(Adopted at March 25, 2003 meeting as recommended by Bay-Delta Authority Staff)

Description: A proposed collaborative process for conducting Committee and subcommittee deliberations, including a definition of consensus and options for reaching closure in the event consensus cannot be reached.

Recommended Action: Bay-Delta Program Staff Recommends Committee Discussion and Comment

Staff Recommendation: At the December 4, 2002 meeting, the Committee asked the Bay-Delta Program to propose a definition of consensus. The purpose of the request was to ensure that under new Bay-Delta Authority governance, the Committee would have a workable collaborative process for addressing difficult issues at the subcommittee and Committee levels. Committee discussion is recommended to ensure ample opportunity to develop a process and definition of consensus that will best suit the Committee and subcommittees.

Introduction

The Bay-Delta Public Advisory Committee provides assistance and recommendations to the Governor, Secretary of the Interior, and Bay-Delta Program implementing agencies, through the California Bay-Delta Authority, on implementation of the Program. The Committee and its subcommittees will use a collaborative process when developing recommendations to the Authority and agencies.

CALFED Agencies

California

The Resources Agency
Department of Water Resources
Department of Fish and Game
The Reclamation Board
Delta Protection Commission
Department of Conservation
San Francisco Bay Conservation
and Development Commission

California Environmental Protection Agency
State Water Resources Control Board
Department of Health Services
Department of Food and Agriculture

Federal

Department of the Interior
Bureau of Reclamation
Fish and Wildlife Service
Geological Survey
Bureau of Land Management
Environmental Protection Agency
Army Corps of Engineers

Department of Agriculture
Natural Resources Conservation Service
Forest Service
Department of Commerce
National Marine Fisheries Service
Western Area Power Administration

Defining a Collaborative Process

A collaborative process usually produces the best outcomes for the Program, Authority, Committee, and the public. Those outcomes are a result of members, representing different interests, sitting down together to seek common ground, and to make recommendations that benefit the represented interests and community as a whole.

The Committee and subcommittees may focus on working towards consensus. Reaching consensus, for the purpose of this effort, means reaching broad agreement on issues pertinent to implementation of the Program. Consensus does not mean that there are no differences of opinion. Consensus refers to the highest level of agreement than can be reached, without dividing the membership into factions. The result is that members support, agree to, or at least can live with a particular decision. To realize potential for broad agreement, the Committee will be encouraged to acknowledge the concerns and work toward mutual understanding of issues until members develop a recommendation that will receive enthusiastic support from the membership.

In rare cases, after the Committee or subcommittee has extensively deliberated on an issue and cannot reach consensus, the Committee or subcommittee has several options for closure. Members not in agreement may stand aside, so as not to block agreement on the recommendation. The Committee or subcommittee may identify the areas of common ground and outstanding issues and recommend venues or processes for working on the issues. The Committee may shift to a majority vote and report the results to the Authority and agencies. A report based on a majority vote may include a minority report.

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CALIFORNIA BAY-DELTA PUBLIC ADVISORY COMMITTEE ENVIRONMENTAL JUSTICE SUBCOMMITTEE

Background:

The California Bay-Delta Public Advisory Committee convened the Environmental Justice Subcommittee at its meeting during December 2002. Leslie Lohse and Martha Guzman were appointed as co-chairs for the Subcommittee.

The first meeting of the Environmental Justice Subcommittee was held on February 22, 2002. The Subcommittee made a number of initial draft recommendations regarding the framework, operation, priorities and success measures, and will refine these in future Subcommittee meetings.

Description

1. Official Designation

The Environmental Justice Subcommittee is an official work group of the California Bay-Delta Public Advisory Committee (BDPAC). BDPAC is a federally chartered and formal state advisory committee to the CALFED Bay-Delta Program. The Environmental Justice Subcommittee operates under BDPAC as a formal state advisory committee and adheres to state open meeting requirements.

2. Mission/Purpose

The purpose of the Environmental Justice Subcommittee is to provide advice and guidance to BDPAC to ensure that implementation of the CALFED Bay-Delta Program actions provides benefits to minority, low-income, Tribal or other potentially affected communities. The Subcommittee will work to achieve the goal of integration of environmental justice into all CALFED Program elements. Other activities of the Environmental Justice Subcommittee include encouraging broad public participation, exchange of information, analysis of issues, and fact-finding, as appropriate, regarding the implementation of all CALFED Bay-Delta Programs. The Environmental Justice Subcommittee reports directly to BDPAC.

3. Role and Responsibilities

The role and responsibilities of the Environmental Justice Subcommittee are solely advisory and include:

- Continuation of the priority activities described in the CALFED Program Environmental Justice Workplan, with development of Annual Plans containing specific programs, strategies and tools necessary to accomplish the CALFED Program's long-term commitment to environmental justice;
- Provide advice on priorities, long-term plans, CALFED Program performance, balance and integration of environmental justice in the CALFED Program;
- Develop tools for CALFED and its partners to use a more comprehensive approach for project development and selection to include previously excluded communities;
- Provide educational opportunities to broaden the understanding of environmental justice in CALFED Program agencies and departments including an understanding of how environmental justice can help the CALFED Program meet its goals and objectives;
- Establish subcommittees and work groups, as needed, and consider recommendations from the subcommittees and work groups;
- Solicit and consider diverse perspectives and recommendations from a broad public;
- Make recommendations to BDPAC on opportunities to integrate environmental justice in the CALFED Program and activities;
- Provide advice to BDPAC regarding the overall achievement of environmental justice by elements of the CALFED Program.

4. Outcomes

The expected outcomes from Environmental Justice Subcommittee activities include:

- Propose measures that can be taken to address environmental justice issues and concerns associated with implementation of the CALFED Program and projects, including current or past impacts;
- Ensure effective public participation and building local support for the CALFED Program from diverse populations potentially impacted by Program activities, including Tribal and environmental justice and community stakeholders;
- Performance measurement for integration of environmental justice by elements of the CALFED Program;
- Inclusion of an environmental justice representative as a member on BDPAC Subcommittees to advance environmental justice in CALFED Program elements;
- Provide educational opportunities regarding environmental justice to the CALFED Program, and for environmental justice to be a component of CALFED outreach such as presentations and the CALFED annual report.

5. Membership/Participants

The Environmental Justice Subcommittee is co-chaired by 2 BDPAC members appointed by the BDPAC in consultation with the CALFED Bay-Delta Program. The co-chairs are Martha

Guzman, Legislative Analyst, United Farm Workers of America and Leslie Lohse, Tribal Council Treasurer, Paskenta Band of Nomlaki Indians.

The role of the Environmental Justice Subcommittee co-chairs includes the coordination and facilitation of the Subcommittee and interested members of the public. The co-chairs also act as liaisons between BDPAC and the Environmental Justice Subcommittee by communicating information and guidance to both groups.

The priority for the framework for membership of the Environmental Justice Subcommittee is to be inclusive of all participants so that issues can be adequately addressed to continue to advance environmental justice in the CALFED Program. The initial recommendation is that the Subcommittee membership will be open to all interested parties and with no formal membership required. The Subcommittee wants to encourage participation by individuals representing a wide array of interests including environmental justice, tribal, agricultural, urban, environmental, local government, community organizations, recreational, fisheries and wildlife, universities, businesses, and state and federal government among others.

The Subcommittee chooses to explore the possibility of utilizing satellite sites from which interested parties may participate in Subcommittee meetings by teleconference. The teleconference sites would be at pre-determined locations in some or all CALFED Program regions to be used by participants who may not be able to attend in person.

6. Decision Making

The Environmental Justice Subcommittee will initially use a collaborative approach for decision-making during its discussions. A summary of action items and major outcomes from each Subcommittee meeting will be summarized and presented to the Environmental Justice Subcommittee co-chairs and CALFED Program Environmental Justice Coordinator and staff.

7. Frequency and Location of Meetings

The initial recommendation of the Environmental Justice Subcommittee is to meet on a regular schedule on a monthly basis as a venue to discuss and advance environmental justice in the CALFED Program. The second meeting of Environmental Justice Subcommittee will be on April 12, 2002, and subsequent meetings will follow on the second Friday of each month. The co-chairs will develop the agenda for each meeting, with the option to skip a meeting in any particular month. This will be decided as a regular agenda item for discussion at each Subcommittee meeting.

Plans are for the Environmental Justice Subcommittee to rotate meeting locations between Sacramento and one meeting in each of the CALFED Program regions. The Sacramento meetings will generally focus on policy and Program issues, and the regional meetings will generally focus on outreach and education.

Notes from Environmental Justice Subcommittee meetings will be recorded. Meeting summaries will be distributed at Subcommittee meetings and plans are for the notes to be posted on the CALFED website <http://calfed.ca.gov>.

8. Subgroups

Informal subgroups of the Environmental Justice Subcommittee may be formed on an as needed basis to accomplish specific tasks. The subgroups and their meetings will be open to all interested parties. The subgroup meetings will be held between Subcommittee meetings, and will report back to the Subcommittee at regularly scheduled meetings.

9. Resources

Resources that are available to the Environmental Justice Subcommittee include a one-half time interim CALFED Environmental Justice Coordinator position and support staff. The Subcommittee recognized the priority of the need for additional resources for the Subcommittee to meet its responsibilities and outcomes. This will include resources for such needs as an Environmental Justice Coordinator and resources for staff to support environmental justice activities, facilitator for meetings, technical support, outreach and participation for regional implementation, and other needs to ensure the effectiveness of the Subcommittee.

10. Communication/Outreach

The Environmental Justice Subcommittee will develop a number of forums for communication. An extensive e-mail listserv will be developed for communication for all Subcommittee participants and interested individuals. The CALFED Program's website <http://calfed.ca.gov> will be designed to allow individuals to sign up for the e-mail listserv. Plans are for the website to include a Discussion Board that will allow Environmental Justice Subcommittee participants and interested individuals to share information. Other forms of communication will include general Program written materials and personal communications with Program and agency staff and consultants. General information is also available from the offices of the CALFED Bay-Delta Program (916/657-2666).

The Subcommittee will provide for development of a status report which will contain information about past accomplishments, including accomplishments to date of priorities identified in the Environmental Justice Work Plan.

11. Changes

The co-chairs of the Environmental Justice Subcommittee are in the early stages of soliciting public involvement in developing a mission statement, goals and objectives, and other matters regarding the framework and function of the Subcommittee. Decisions regarding the purpose or operations of the Subcommittee will be reviewed and approved by BDPAC. The Environmental Justice Subcommittee will remain in existence until it has accomplished its

stated objectives, the Subcommittees work becomes obsolete, the cost of operations are excessive in relation to the benefits, or until the BDPAC charter expires.

12. Annual Priorities (2001) for the Environmental Justice Subcommittee

The draft recommended priorities for the Environmental Justice Subcommittee are:

1. Resources needed to advance environmental justice in the CALFED Program including an Environmental Justice Coordinator position and dedicated staff support for the Subcommittee activities;
2. Integrate the Environmental Justice Subcommittee with other BDPAC appointed Subcommittees and Programs;
3. Revise the Preliminary 2001 Environmental Justice Annual Plan for BDPAC review during the fall, 2002.

13. Annual Outcomes and Success Measurement for 2002

1. Hire an Environmental Justice Coordinator and dedicated staff and resources to support the Subcommittee to advance environmental justice in the CALFED Program;
2. Integration of an environmental justice representative in formal membership in all BDPAC appointed Subcommittees;
3. Expand core participants in the Environmental Justice Subcommittee to include all CALFED Program regions;
4. Incorporate environmental justice into criteria and the selection of projects for funding in CALFED Program elements;
5. Implement Tier One of the Environmental Justice Workplan including advancement of integration of environmental justice throughout the CALFED Program
6. Inclusion of environmental justice in CALFED outreach such as public presentations, publications including the annual report, and the CALFED website.