

## California Bay-Delta Public Advisory Committee

### Environmental Justice Subcommittee Report

**Agenda Item: 3**

**Meeting Date: March 11, 2004**

---

**Summary:** The Environmental Justice Subcommittee proposes to change its current membership structure from an open format to a regional, stakeholder-based format.

**Recommended Action:** Adopt the Environmental Justice Subcommittee membership proposal and authorize Environmental Justice Subcommittee to begin formal process to invite and retain members.

---

#### **Background**

Since its inception in 2001, the Environmental Justice Subcommittee (EJSC) has operated with an open membership structure that was designed to encourage and allow for maximum participation and input of interested parties. The open membership structure was the result of much deliberation which led to the “initial recommendation” on membership structure. Based on two full years of EJSC meetings and related activities, it became clear that the membership of the EJSC lacked the formal presence and structure of most other BDPAC subcommittees.

The EJSC needs the ability to coordinate with other programs, provide analysis and evaluation of programs’ actions, and to represent the views of the many EJ interests and communities within the CALFED Program. A formal membership structure will significantly improve communications to stakeholders, outreach to communities and constituencies, and the ability to implement EJ workplan tasks. In addition to the official subcommittee members, the EJSC will continue to be open to all interested stakeholders and the public to attend and participate.

Members of a revamped EJSC will have a greater stake in the decisions and actions undertaken in the CALFED Program because of the more formal subcommittee status and their commitment as an EJSC member. Formal working groups and ad hoc groupings can be created more effectively from a formal structure rather than an open, informal one. As current CALFED Program practice demonstrates, those subcommittees with strong leadership and membership are best able to advance their

Agenda Item: 3  
Meeting Date: March 11, 2004  
Page 2

objectives through consensus and collaboration. The EJSC will continue to use a collaborative-based, consensus approach to decision making as described in original subcommittee description from the Record of Decision.

With EJ as one of the CALFED Program's priority areas this year, the revamping of the EJSC structure takes on greater importance. The EJSC must respond better to the CALFED Program needs and concerns. The adoption of a formal membership structure provides a more accountable and transparent mechanism to implement EJ activities while providing advice and guidance to other programs and BDPAC.

### **List of Attachments**

Attachment 1 - EJ Membership Proposal  
Attachment 2 - EJ Subcommittee Description

### **Contact**

Ken McGhee  
Environmental Justice Coordinator

Phone: (916) 445-0740

## Attachment 1

### California Bay-Delta Public Advisory Committee ENVIRONMENTAL JUSTICE SUBCOMMITTEE Membership Proposal

---

**Mission:** The mission of the Environmental Justice Subcommittee (EJSC) is to provide advice and guidance to the Bay-Delta Public Advisory Committee (BDPAC), California Bay-Delta Authority (CBDA), and all CALFED Program elements to ensure the implementation of the CALFED 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 EJSC will work to make certain that environmental justice (EJ) EJ principles, and EJ concepts are fully integrated into all CALFED 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 EJSC shall consist of a balanced and diverse set of members representing key interests of importance to CBDA. There will be 25 members, 1 from each of the 5 CALFED Program regions. Each of these 25 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 CBDA and its role. Every effort will be made to strive for balance so that potentially affected communities are well represented on the EJSC. Furthermore, 5 members will represent some of the Federal and State agencies that comprise CBDA. A Federal and State lead agency will be selected to serve the EJSC as well. All members, as well as the lead agencies, will be subject to BDPAC approval. The EJSC will have two co-chairs, also subject to BDPAC approval.

**Decision-Making Protocol:** The EJSC will use a collaborative, consensus-based approach to decision making whenever possible. The EJSC 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.

## Attachment 2

### CALIFORNIA BAY-DELTA PUBLIC ADVISORY COMMITTEE ENVIRONMENTAL JUSTICE DESCRIPTION SUBCOMMITTEE

#### Background

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

The first meeting of the EJSC was held on February 22, 2002. The EJSC made a number of initial draft recommendations regarding the framework, operation, priorities and success measures, and will refine these in future EJSC 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 provide benefits to minority, low-income, tribal or other potentially affected communities. The EJSC 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 programs. The Environmental Justice Subcommittee reports directly to BDPAC.

### **3. Role and Responsibilities**

The role and responsibilities of the EJSC 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 the CALFED Program 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 EJSC activities include:

- Propose measures that can be taken to address environmental justice issues and concerns associated with the 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 each of 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 Program outreach such as presentations and the CALFED Program annual report.

## **5. Membership/Participants**

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

The priority for the framework for membership of the EJSC 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 EJSC membership will be open to all interested parties and with no formal membership required. The EJSC 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 governments among others.

The EJSC chooses to explore the possibility of utilizing satellite sites from which interested parties may participate in EJSC meetings by teleconference. The teleconferencing 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 EJSC meeting will be summarized and presented to the EJSC co-chairs, the CALFED Program Environmental Justice Coordinator and staff.

## **7. Frequency and Location of Meetings**

The initial recommendation of the EJSC 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 EJSC 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 EJSC meeting.

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

## **8. Subgroups**

Informal subgroups of the EJSC 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 EJSC meetings, and will report back to the EJSC at regularly scheduled meetings.

## **9. Resources**

Resources that are available to the EJSC include a one-half time interim CALFED Environmental Justice Coordinator position and support staff. The EJSC recognized the priority of the need for additional resources for the EJSC 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 EJSC.

## **10. Communication/Outreach**

The EJSC will develop a number of forums for communication. An extensive e-mail listserve will be developed for communication for all EJSC 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 listserve. Plans are for the website to include a Discussion Board that will allow EJSC 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 EJSC 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 EJSC 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 EJSC. Decisions regarding the purpose or operations of the EJSC will be reviewed and approved by BDPAC. The EJSC will remain in existence until it has accomplished its stated objectives, the EJSC's 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 EJSC are:

1. Resources needed to advance environmental justice in the CALFED Program including an Environmental Justice Coordinator position and dedicated staff support for the EJSC activities;
2. Integrate EJSC 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 EJSC 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 EJSC 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.