

**CALIFORNIA BAY-DELTA AUTHORITY**  
**Bay-Delta Public Advisory Committee**  
**Environmental Justice Subcommittee**

## **Guidelines**

### **Overview**

Ensure Implementation Principle for Environmental Justice is integrated and met by all program elements. The Implementation Principle states that the California Bay-Delta Authority (CBDA) will seek fair treatment of people of all races, cultures, and incomes. CBDA program, policies and action shall not cause any segment of the population to bear disproportionately high or adverse health, environmental, social or economic impact. CBDA is responsible for ensuring this is carried out across all Project Elements through the development of environmental justice goals and objectives

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### ***OBJECTIVES***

- 1. Environmental Justice Subcommittee (EJSC), CBDA program staff, and Bay-Delta Public Advisory Committee (BDPAC) Subcommittees develop program-wide environmental justice goals, objectives, strategies, and performance measures and integrate them into CBDA Program Plans*
- 2. Develop annual Environmental Justice (EJ) Work Plan. The EJSC shall assist programs with implementation of program-wide goals, objectives, strategies, and performance measures.*
- 3. Ensure meaningful and substantive participation of CBDA Agencies, community-based organizations, tribes, and environmental justice interest groups in CBDA program planning, program implementation, and decision-making, including BDPAC Subcommittee and regional workgroups.*
- 4. Develop and implement a CBDA program-wide environmental justice education and technical assistance program.*
- 5. Develop tools and capabilities of CBDA agencies and staff to identify, evaluate, and avoid/mitigate environmental injustices.*
- 6. Address priority environmental justice issues in each CBDA program. Identify priority EJ issues in each CBDA region.*

### ***Performance Measures***

## **ENVIRONMENTAL JUSTICE REQUIREMENTS FOR ALL PROGRAM AREAS:**

1. Ensure that each Program Element provides funding support for portion of EJ Activity plans and programs that will provide direct and quantifiable benefit to each Program.
2. Establish a minimum equitable funding level for Environmental Justice communities.
3. Prioritize projects that form partnerships with local community-based organizations, tribes, watershed groups, and other entities. Prioritize projects that create local employment opportunities.
4. Exempt economically disadvantaged communities from matching fund and cost-benefit analysis requirements. (The matching funds exemption is in statute for Prop. 50 funds). Provided that some projects will not have a match requirement, a protocol to establish some upfront funding to begin projects will need to be established.
5. For those projects that do not have a cost-share requirement, establish a protocol for reimbursement to be no longer than 60 days.
6. Establish a minimum funding level in each Program area for Capacity Building and Education to bring underserved areas to implementation project readiness.
7. CBDA shall contract with non-profit agencies that specialize in providing technical assistance to communities in the grant solicitation process.
8. Conduct meetings and workshops to ensure meaningful public participation .
9. Enhance public participation tools using: 1) Toll-free call-in numbers, 2) Provide travel stipends for subcommittee members, 3) make meeting notes available before next meeting, with list of action items/responsible person/due date, 4) visit communities and rotate, using local government and organizational partnerships, 5) issue semi-annual progress reports; 6) maintain web page on an ongoing basis.
10. *EJ Analysis on projects in excess of \$50,000 CBDA funding,*
11. *Move forward with the project only after engaging the affected communities in meaningful public participation in accordance to the stakeholder consultation requirements of the ROD. Allow time to integrate stakeholder suggestions into the proposed plans.*

### **Annual Report**

- Develop a GIS map of California's urban and rural communities based on race, cultures and incomes.
- Map all CBDA funds and determine those that went to E.J. communities by program area.

### ***Performance Measures***

## **Program Elements**

- **SCIENCE**

As a well-established CBDA cross-cutting Program Element, ensure that Science includes EJ concepts and concern in its Adaptive Management approach to CBDA actions.

Ensure communication of science-based analyses and assessments presented to and generally understood in EJ communities (communities of color, non-English speaking communities, and other potentially affected communities).

Ensure that EJ Activity and stakeholders have ample opportunity to provide input into Science panels and workshops. Promote and encourage production of white papers in issues of concern to EJ Activity and communities to make certain that good science becomes part of EJ analysis and provides sound technical basis of EJ recommendations and proposed actions.

Include meaningful role for EJ in annual Science conference, State of the Estuary Conference (and Journal), and Pacific Climate Conference.

*Performance Measures:*

- **WATER MANAGEMENT**

*Performance Measures:*

- **STORAGE**

Ensure quantification of direct economic and socioeconomic impacts to residents of communities in proposed project areas are analyzed and considered in planning and implementation process. Surveys and other methods of public participation/involvement must be undertaken with community-based input and support. Impacts on habitat, water quality, and water supply must be balanced with other societal impacts as part of an overall decision-making strategy.

***Performance Measures [WATER SUPPLY]***

- 1. Develop a mitigation plan through community-based research on the impacts from the Land Retirement on the Westside of the Valley. NOTE: Needs to be moved to Environmental Water Quality? Or ERP? As long as reference is made to problem with selenium-tainted drainage.*

- **CONVEYANCE**

Ensure water supply reliability, flood control/protection, and drinking water quality benefits are shared equally among Delta and other affected communities by a process that incorporates members/representatives from potentially affected communities in workshops and other public participation efforts in conjunction with the EJSC.  
QUESTION ABOUT WHETHER THIS SHOULD BE IN CONVEYANCE

***Performance Measures***

- **WATER USE EFFICIENCY**

Ensure that cost-effective water conservation, recycling, desalination and other innovative practices include EJ communities, concerns and input. This requires more deliberate and comprehensive technical assistance, outreach, and capacity building in selected communities.

Continuation of consensus based and collaborative PSP process to include workshops, trainings and technical assistance in communities of color and underserved communities seeking watershed funding. This must include focused effort to create broad-based PSP selection panels that understand EJ and tribal communities. Improve PSP advertisement and dissemination through outreach and consultation with EJSC.

***Performance Measures***

- 1. Adopt the State Desalination Task Force Environmental Justice recommendations that include designation of seawater in proximity to desalination intakes as a recognized, regulated drinking water beneficial use.*

- **WATER TRANSFERS**

Ensure that as the water transfer market develops, it occurs through balanced, broad-based, and community-driven processes that include members and representatives from potentially-affected communities in both sellers and buyers regions. Process must include analysis of all conceivable impacts to both regions and consider a broad range of mitigation and other alternatives.

Socioeconomic impacts and effects to disadvantaged communities must be addressed, particularly the effects of crop/land idling, water shortages and rationing, short- and long-term transfers, and impacts on social services and facilities that serve those needs.

***Performance Measures***

1. *Expand and revise the EJ survey that was performed on short-term water transfers to include an analysis of long-term transfers. Greater effort must be made toward community outreach.*
2. *Enhance “On Tap” to be more publicly accessible as a clearinghouse of information about proposed transfers. Price information is missing and often you have to know a lot of the context of the transfer to know what you are looking at. • Identify departments responsible for protecting public interests in water that is proposed for transfer. NOTE; NEEDS CLARIFICATION*
3. ~~*Examine the impact of voting structures of the water entities involved in proposed transfers and evaluate whether there is any mechanism for the meaningful representation of parties disenfranchised parties.. NOTE Striken because it appears this item is beyond the scope of responsibility of the Subcommittee.*~~
4. ~~*Identify the beneficiaries of conservation programs and make an effort to compensate those who made sacrifices involved in making more water available. NOTE Striken because it appears this item is beyond the scope of responsibility of the Subcommittee.*~~  
~~*Ensure that all users receiving newly conserved (or transferred) water have implemented cost-effective best management practices. NOTE Striken because it appears this item is beyond the scope of responsibility of the Subcommittee.*~~

- **ECOSYSTEM RESTORATION**

Ensure that the Ecosystem Restoration Program includes cultural and historic consideration of potentially-affected communities.

Based on widespread and dedicated interest from tribal and other subsistence fishing communities located in the headwaters and throughout the Bay-Delta, ensure meaningful participation of those affected communities in the final analysis, adoption and implementation of CBDA’ mercury strategy. This must include thorough understanding of the impacts and sources of mercury contamination, and consider both traditional and cultural practices of affected communities that contribute to mercury contamination and dissemination, particularly among vulnerable population groups.

Earmark specific and sufficient funding to support ongoing efforts, begun in Lake County to convene agencies, communities and others in action-oriented dialogue and processes to remediate mercury pollution and provide education, training and technical assistance to support mitigation efforts in and among affected communities.

***Performance Measures***

1. *Ensure that funding of the CALFED methylation mechanisms studies are incorporated to remediation plans.*
2. *Confirm the degree to which CALFED scientists are serving as peer reviewers on TMDL plans and/or submitting comments once the plans are released for public review. Peer review or expert comment will be essential in evaluating programs such as the Central Valley mercury offset programs, to address potential impacts on specific geographical areas.*
3. *Provide technical assistance and training funds for EJ community restorations.*

- **ENVIROMENTAL WATER ACCOUNT**

Promote inclusion of tribal, subsistence fishing, and other EJ communities in deliberative process to assess and recommend actions on future of EWA to better ensure wider community concern, knowledge and history of fish and species protection can contribute to the EWA process.

***Performance Measures***

- **WATERSHED MANAGEMENT**

Ensure continuation of watershed education, programs, funding, and technical assistance in all communities that have EJ characteristics and/or concerns,

Continuation of consensus based and collaborative PSP process to include workshops, trainings and technical assistance in communities of color and underserved communities seeking watershed funding. This must include focused effort to create broad-based PSP selection panels that understand EJ and tribal communities. Improve PSP advertisement and dissemination through outreach and consultation with EJSC.

Completion of watershed mapping focused on EJ communities in order to promote better watershed understanding, knowledge and identification.

Support for recently initiated watershed efforts such as the California Watershed Council.

***Performance Measures***

- 1. Ensure that grant funds are distributed to all landscape types.*
- 2. Provide technical and grant writing assistance to unskilled applicants, including but not limited to previous unsuccessful grant applicants.*

- **DRINKING WATER QUALITY**

Ensure that DW framework, based on the concept of Equivalent Level of Public Health Protection (ELPH), includes planning and funding to include broad-based representation of all vulnerable sub-populations in outreach, education, and decision-making process on source improvement, conveyance operations and storage programs. Efforts must be undertaken to provide adequate technical assistance and capacity building to potentially affected communities so that options can be generated that incorporate concerns of potentially affected communities with regard to source water exchanges, non-point source of pollution and delivered water quality. *Particular attention and directed actions should address, through broad-based community outreach and participation processes the impacts and mitigation of arsenic, MTBE, mercury, perchlorate, selenium, bromide and other contaminants of concern.*

*Performance Measures:*

- 1. Perform a Needs Assessment of Drinking Water Infrastructure and Capacity that fully quantifies the resources needed for resolving the drinking water needs in California, beginning with the Central Valley. Resources needed should include costs for 1) total capital infrastructure and 2) capacity building for management.*
- 2. Adopt the State Desalination Task force Environmental Justice recommendations, which include designation of seawater in proximity to desalination intakes as a recognized, regulated drinking water beneficial use.*
- 3. Develop a California Bay-Delta Drinking Water Strategic Policy protective of EJ community health.*
- 4. Develop Central Valley Region Basin Plan protective of EJ community health by identifying and incorporating into Central Valley Drinking Water Policy.*
- 5. Incorporation of contaminants of concern to EJ communities into the Central Valley Policy.*
- 6. Central Valley Drinking Water Policy workgroup should increase public outreach to Central Valley community-based organizations.*

- **LEVEE SYSTEM INTEGRITY**

Ensure that the development and implementation of base level protection, levee subsidence control, and emergency management and response programs and plans

include adequate participation and broad-based representation from potentially affected communities in the decision-making process.

Ensure that funding is earmarked as a part of each plan to include outreach, education and capacity-building in potentially affected communities to allow effective participation in decision-making process.

*Performance Measures*

**OTHER PROGRAM ELEMENTS**

• **OVERSIGHT AND COORDINATION**

Complete integration of EJ Goals and Objectives in each Program Element and across the eight (8) Oversight and Coordination commitments

1. Public Affairs & Involvement,
2. EJ
3. Program Performance & Tracking,
4. Regional Coordination
5. BDPAC
6. Financial Plan
7. Tribal Relations,
8. Water Management Strategy

Develop a recurring /annual EJ analysis for each Program Element as a meaningful tool to better understand potential benefits and burdens of each CBDA Program and related actions.

*Performance Measures*

• *Working Landscapes*

*Performance Measures*