

{Version 5/31/04}

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

## **Guidelines**

### **Overview**

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

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### **OBJECTIVES**

- 1. Environmental Justice Subcommittee (EJSC), CALFED program staff, and Bay-Delta Public Advisory Committee (BDPAC) Subcommittees shall develop and integrate program-wide environmental justice goals, objectives, strategies, and targets into CALFED programs.*
- 2. Develop annual Environmental Justice (EJ) Work Plan. The EJSC shall assist programs with implementation of program-wide goals, objectives, strategies, and targets. These shall be included as part of each program plan.*
- 3. Ensure meaningful and substantive participation of CALFED Agencies, community-based organizations, tribes, and environmental justice interest groups in CALFED program planning, program implementation, and decision-making, including BDPAC Subcommittee and regional workgroups.*
- 4. Develop and implement a CALFED program-wide environmental justice education and technical assistance program.*
- 5. Strengthen existing capacity of CALFED implementing agencies to identify, evaluate, and avoid/mitigate environmental injustices.*
- 6. Identify and address priority environmental justice issues in each CALFED region and program.*

## **GUIDELINES FOR ALL PROGRAM AREAS:**

1. Each CALFED Program shall provide funding support for a reasonable portion of EJ actions and initiatives designed to provide direct and quantifiable benefit to each Program.
2. Prioritize projects that form partnerships with local community-based organizations, tribes, watershed groups, and other entities. Prioritize projects that create local employment opportunities.
3. Conduct CALFED meetings, workshops, and conferences in a manner that provides meaningful opportunities for enhanced public participation and outreach to EJ communities in accordance with the stakeholder consultation requirements of the ROD.
4. Project design and implementation should occur only after engaging EJ communities in a meaningful public participation process. Reasonable time to integrate stakeholder interests and concerns is an essential element.
5. Inclusion of EJSC members and other stakeholders on grant, Program Solicitation Packages/Requests for Proposals (PSP/RFP), loan, and other funding mechanism review/selection committees.
6. Establish a minimum equitable funding level that qualifies E J communities for additional assistance, particularly with PSPs/RFPs.
7. Reduce, where possible, application costs and other fiscal or financial requirements to grant applicants from EJ communities for matching fund, cost-benefit analysis, and other commonly used grant proposal requirements. Establish protocol(s) to assist applicants from EJ communities to obtain necessary training and support to compete effectively in proposal solicitation processes (PSP).
8. CALFED and implementing agency staff shall participate in EJ training and education activities conducted by EJ section and/or EJSC.
9. Each proposed and current CALFED program action should address and consider the impact of cultural and historical concerns of EJ and Tribal communities.
10. Establish a minimum funding level in each Program area for Capacity Building and Education to better prepare underserved areas to respond effectively to funding opportunities.
11. CALFED shall, to the extent practicable, contract with non-profit agencies, community based organizations, watershed groups and others with expertise in providing PSP/RFP technical assistance and capacity-building to facilitate EJ community participation in programs.
12. A comprehensive EJ Analysis on each CALFED projects with a minimum value of five hundred thousand dollars (\$500,000) shall be conducted by the EJSC in consultation with the respective CALFED Program and subcommittee.
13. Develop GIS maps reflecting location and other indicators of EJ and Tribal communities in relation to CALFED projects, plans and funding.
14. Extensive outreach to and collaboration with Sacramento Valley, Delta and San Joaquin regions is needed to fully address potential impacts from storage, conveyance, restoration, and transfer programs.
15. Move forward with the project only after engaging the affected communities in meaningful public participation in accordance with the stakeholder consultation requirements in the Record of Decision (ROD). Allow time to integrate stakeholder suggestion into the proposed plans.
16. \*Track program participation levels from EJ communities to evaluate adequacy of

outreach efforts.

17. For CALFED Annual Report, develop GIS map of California's urban and rural communities based on race, cultures and incomes, in conformity with Federal Executive Order 12898

18. For CALFED Annual Report, map all CBDA project funds and determine those that went to E.J. communities by program area (and/ or region).

19. \*DEFINITIONS : EJ, EJ Community, etc?? (See Inspector General's Report on EJ in USEPA)

## Program Elements

### SCIENCE

EJ concepts and concerns shall be considered in Adaptive Management analysis to CALFED actions.

CALFED science-based analyses and assessments of projects and plans shall include EJ communities and issues of concern as part of the process to analyze and report on CALFED program actions.

Provide CALFED EJ section and stakeholders meaningful opportunity to provide input into Science panels, workshops and other outreach/public participation efforts.

Promote and encourage production of white papers on topics of concerns to EJ communities, in consultation with EJSC.

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

#### Targets:

1. *Incorporate science and peer review into annual EJ Workplan activities.*

### STORAGE

Quantification of direct economic and socioeconomic impacts to residents of communities in proposed project areas are analyzed and considered in planning and implementation process.

#### Targets

1. *Develop a mitigation plan through community-based research on the impacts from the Land Retirement\* (other areas of concern, such as North of Delta) on the Westside of the Valley.*

*\*alternative: "Develop mitigation plan through community-based research on impacts of land following in water source areas"*

2. *Analysis of economic and socioeconomic impacts on farm worker and other EJ communities as a result of surface storage actions*

## 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.

### Targets

1. *Analyze whether EJ impacts may result from increase to 8,500cfs and permanent operable barriers*
2. *Assist in EJ analysis and assessment during EIR/EIS phase for Lower San Joaquin Flood Improvements*
3. *Assist in stakeholder outreach and public participation process for Old River and Rock Slough Water Quality Improvements projects*
4. *Coordinate and assist EJ analysis of the following projects:*
  - North Delta Flood Control and Ecosystem Restoration Improvements Program*
  - Delta Mendota Canal/California Aqueduct Inter-tie*
  - San Luis Reservoir Low Point Improvement Program*
5. *Analyze whether EJ impacts result from dropping groundwater levels in conjunctive use water transfer transactions to EWA and drought banks (NAPA). Analyze conveyance infrastructure needed to mitigate manipulated groundwater levels from conjunctive use projects supporting water transfers.*

## WATER USE EFFICIENCY

Ensure that cost-effective water conservation, recycling, desalination and other innovative practices include EJ communities, concerns and input. This requires 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 water use efficiency funding. This shall 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.

### Targets

1. *State of California Desalination Task Force Environmental Justice recommendation that include designation of seawater in proximity to desalination intakes as a recognized, regulated drinking water beneficial use.*
2. *Fund education and research on water recycling for regional water supply portfolio*
3. *Develop uniform building codes requiring water efficient plumbing technology for new construction and standards for retrofits to mitigate new demand from new construction projects.*
4. *Fund post construction follow-up on California's Model Water Efficient Landscape Ordinance*

<sup>1</sup> Finding #39: Environmental justice considerations include the siting of desalination facilities, determining who accrues the costs and benefits of desalination, and who has the opportunity to use higher quality (desalinated) water, and the possible impacts of replacing low-cost with high-cost water.

Recommendation #29: In addition to other eligibility criteria, State funding should give high priority to those desalination projects that provide the greatest public benefits, such as: 1) serve areas implementing all conservation and recycling programs to the maximum extent practicable; 2) demonstrate long-term environmental benefits; 3) avoid or reduce environmental impacts to the extent possible; 4) reduce health risks by improving water quality; 5) **ensure equitable access to benefits from desalination projects and include feasible mitigation for any environmental justice impacts**

## **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.

### **Targets**

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 and quantifying opportunity costs to EJ communities in source counties*
2. *Enhance capabilities of "On Tap" program to be more publicly accessible as a clearinghouse of information about proposed water transfers. Information regarding partners, pricing, timing, scope, duration, etc should provide sufficient context to allow for a comprehensive analysis of any proposed water transfer.*
3. *Identify intended use of transferred water, highlighting expansion of firm demand (?)*
4. *Analyze whether EJ impacts result from dropping groundwater levels in conjunctive use water transfer transactions to EWA and drought banks (NAPA). Analyze conveyance infrastructure needed to mitigate manipulated groundwater levels from conjunctive use projects supporting water transfers.*
5. *Provide public participation list / report? detailing levels of meaningful public participation in decision-making process from vulnerable sub-populations.*
6. *Provide verification of financial and other benefits to communities from water transfer proceeds and other mitigation efforts.*

## **ECOSYSTEM RESTORATION**

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 implementation of CALFED's final mercury strategy. This should include efforts to explain current knowledge regarding 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.

### **Targets**

1. *Ensure that funding of the CALFED methylation mechanisms studies are incorporated to remediation plans.*
2. *Peer review or expert commentary that reflects an understanding and incorporation of EJ analysis should be an essential element of project evaluations.*
3. *Provide technical assistance and training funds for EJ community restorations.*
4. *Increase cooperation on implementation, mitigation, and outreach efforts to EJ communities of the CALFED Mercury Strategy.*

## **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.

### **Targets**

1. *\*Provide public participation list / report? detailing levels of meaningful public participation in decision-making process from vulnerable sub-populations.*
2. *\*Provide verification of financial and other benefits to communities from water transfer proceeds and other mitigation efforts.*
3. *\*Identify / Map the location of the immediate environmental benefit from individual water procurements and the ultimate location / use of the water quantity purchased (?)*

## **WATERSHED MANAGEMENT**

Watershed education, programs, funding, and technical assistance in all communities that have EJ characteristics and/or concerns should continue to be expanded.

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.

### **Targets**

1. *Grant funds should be distributed to various and different landscape types.*
2. *Provide technical and grant writing assistance to interested grant proposal applicants, including but not limited to previous unsuccessful grant applicants.*
3. *Watershed Program contributes directly toward implementation of EJ workplan tasks related to watershed mapping and outreach to watershed groups*

- **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. **Vulnerable populations can be defined as those with immuno-deficiencies, children and the elderly, and those who are disproportionately impacted by environmental burdens.** 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.*

#### *1. Needs Assessment*

##### *Objective*

*CALFED's current understanding of infrastructure and capacity needs of vulnerable populations is insufficient and programs that are advanced by the subcommittee would benefit from a needs assessment as a preliminary step.*

##### *Action*

*Collaborate with CDHS to perform a Needs Assessment of Drinking Water Infrastructure and Capacity that fully quantifies the resources needed for resolving the drinking water needs for vulnerable populations in the CBDA Solution Area. This effort could begin with the current process with Central Valley Drinking Water Policy Program. Resources needed should include costs for 1) total capital infrastructure and 2) capacity building for management.*

##### *Performance Measures:*

*Annual report to DWS on status of needs assessment, and efforts to improve TMF capacity of identified at-risk systems*

*Prioritization of projects for funding based upon updated needs assessments.*

*Have CDHS make a presentation or workshop on the topic of TMF including a status update and allow them to offer recommendations to the DWS.*

*Inclusion of needs assessment in regional ELPH programs*

*Recommendations to DHS and DWR on getting the needs assessment done*

1. *Source Water Protection*

*Objective*

*Recognize seawater as a drinking water source*

*Use CDHS SWAP program to identify source water threats impacting VSP within CBDA solution area*

*Action*

*Support the State Desalination Task Force Environmental Justice recommendations, which include investigating the designation of seawater in proximity to desalination intakes as a recognized, regulated drinking water beneficial use (recommendation #27).*

*Identify specific SWAP projects that will benefit VSP within CBDA solution area.*

*Performance Measures*

2. *Incorporate EJ community health protections into the DWS Strategic Plan*

*Action*

*Mandatory EJ analysis on projects with \$500,000 or more CALFED funding.*

*Such an analysis would include*

- *Identification of vulnerable sub-populations within service areas*
- *Plan to include VSP in outreach and monitoring for project*
- *Assessment of current exposures to VSP – s*
- *Assessment of projects impacts on VSP*
- *Assessment of inequities in drinking water quality for VSP within service area*
- *Analysis of capacity of local community to participate in decision-making*

*Performance Measure*

*Annual report on specific VSP benefits from each DWS project.*

*Project Example*

*Begin with the MWD-Friant Exchange Study. EJ analysis should include but not be limited to identifying and incorporating EJ groups in project area and quantify the impacts/benefits to the EJ community.*

3. *Objective*

*Develop Central Valley Drinking Water Policy protective of EJ community health*

*Central Valley Region Basin Plan*



#### *Action*

*Identify EJ communities within service areas and develop outreach plan for involving these communities in the workgroup.*

*Identify and include in Policy development Contaminants of concern to EJ communities in the Central Valley.*

#### *Performance measures*

*List of EJ communities identified, those contacted, and those added to the workgroup.*

*Development of outreach program for continuing education of EJ communities that are not directly involved in workgroup and process for soliciting and incorporating public input into process*

#### 4. Regional ELPH

##### *Objectives*

*Ensure that regional ELPH programs address the needs of VSPs*

##### *Actions*

*Identify inequities in tap water quality in each regional plan*

##### *Performance measures*

### **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.

#### **Targets**

*1. Improved opportunities for subsistence fishing and hunting*

### **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

### **Targets**

1. *Develop annual EJ analysis and assessment for each Oversight and Coordination commitment.*