

Environmental Justice Coalition for Water

654 13th St
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October 10, 2006

Dear CALFED Leader:

As you may know, CALFED has been engaged in an effort to address a shortcoming in the treatment of Environmental Justice (EJ) concerns within CALFED programs. The process was originally facilitated by an EJ Team made up of agency staff and stakeholders. The EJ Team's original goal was to develop an EJ Implementation plan to bring CALFED into compliance with the ROD. The Environmental Justice Coalition for Water (EJCW) and several of our member organizations provided stakeholder representation on the EJ Team.

I am writing to inform you that the EJCW, a Coalition of more than 60 non-profit and community based organizations statewide, discontinued our participation in the EJ Team process or any process associated with the EJ Team as of August 21, 2006. I cannot overstate our frustration over recent developments whereby the state signatory agencies have wrested control of the process away from the agency staff working with EJCW and have instead undertaken an internal process to produce an "Environmental Justice Framework" instead of the Environmental Justice Implementation plan that EJCW entered the process to develop.

Background

EJCW first participated in CALFED discussions more than 7 years ago in an effort to work toward developing a CALFED structure that, through language in the ROD, would be hospitable to Environmental Justice concerns. Though not entirely successful, members of EJCW continued work within the new CALFED structure in each of the program areas and within the Authority and Public Advisory Committee in an effort to develop a strong workplan for the Environmental Justice Subcommittee (EJSC) and to ensure that Environmental Justice concerns were raised and addressed in each program area until a workplan could be implemented.

The Record of Decision (ROD) describes the role of the EJSC's workplan as follows:

"This workplan should, at a minimum, include commitments such as the development of environmental justice goals and objectives for each program area, investments in staff and resources across program areas and agencies, development and implementation of an environmental justice education program for agency and program staff, collection and analysis of additional demographic information to

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assist in the identification of impacts, and actions to ensure effective participation on technical and advisory workgroups by those populations adversely impacted.”

Although EJCW members have spent countless hours working within CALFED, in good faith, development of an EJSC workplan has been a complete failure. Even after EJCW invested a great deal of time and resources to develop a set of proposed performance measures for each of the program areas, by the time the proposal made its way through the BDPAC and the BDA they were watered down to a set of guidelines. And even these weak guidelines were adopted by only three CALFED subcommittees.

CALFED did attempt to appease EJ constituents when they hired an Environmental Justice Coordinator. Had the position been given adequate funding and authority, this could have been a pivotal step toward the ultimate adoption of an acceptable EJ implementation policy. Instead, the position was buried in the CALFED structure with limited influence and was dramatically under-funded. In the end, the EJ Coordinator role only added to the frustration of EJ groups who were attempting to work within the CALFED framework.

In the wake of the Little Hoover Commission Report, EJCW was hopeful that the added pressure of outside scrutiny would force movement within the Authority. With that in mind, EJCW invested more time and resources in the EJ Team process than we might have otherwise. As you know, the EJ Team process began in fits and starts with several changes of leadership and in the midst of an entire restructure of CALFED. EJCW tried to be patient as the EJ Team process was subject to delays at least partially caused by the uncertainty following the Little Hoover Commission Report and Legislative wrangling.

However, the current adulteration of the process, by which a document is being produced from within the signatory agencies with NO input or participation by ANY Environmental Justice communities, is wholly unacceptable and counter to the fundamental tenets of EJCW and its member organizations.

It is entirely disheartening, although perhaps not shocking, that the very core principles EJCW has been fighting for have been disregarded. EJCW has repeatedly conveyed the vital importance of undertaking a public process capitalizing on the expertise embodied in our community members. This latest move is reflective of the utter disregard in which that expertise is held by the CALFED member agencies. Environmental Justice cannot be successfully addressed by CALFED or its member agencies until leadership understand and appreciate the gaps in their own knowledge and expertise and the fact that academic education can not supplant the vital information garnered from life experience.

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It is important to note that, while it is the latest move to cut EJCW out of the process of developing the EJ Implementation Plan that is the proverbial straw that broke the camel's back, EJCW has been consistently frustrated by many elements of the EJ Team process. In the following section I will identify some of our most substantial concerns.

Specific Objections to the EJ Team Process

- 1) Lack of investment from upper level Signatory Agency Leadership**
There has been, and continues to be, an overall lack of investment in environmental justice from upper level leadership in signatory agencies. Evidence of the lack of concern and investment includes the fact that only two Agency leaders attended the April EJ Roundtable, the lack of institutional investment in EJ functions within the agencies, and the lack of communication between lower level staff and upper level leadership regarding EJ issues.
- 2) Disrespect for previous agreements between EJCW and CALFED staff**
The current decision to halt the EJ Team process in favor of developing an internal CALFED document is disrespectful of the work that EJCW has been engaged in and the agreements EJCW and CALFED staff were a party to. EJCW entered into its most recent EJ Team work with specific understandings of how the work would be completed, who would participate, and what would be produced. Without consultation or notification, the CALFED signatory agencies decided to halt the process in which EJCW had invested and to exclude EJCW from further participation in the document development. After months of investing scarce resources in the now abandoned process, EJCW has been relegated to commenting on a document that has already been fully vetted through the agencies, making it virtually impossible to amend in any significant way.
- 3) Lack of Communication and Consultation**
Throughout the EJ Team process EJCW has struggled to keep abreast of pertinent information. On numerous occasions, following many requests for more advance warning, meetings were scheduled without concern for EJCW member schedules and with minimal advance notice. This again signals an overall lack of respect for EJCW member participants. The nature within agencies is to check upper level leadership schedules before scheduling a meeting. Although EJCW repeatedly expressed a similar need to check the very complicated schedules of community participants who have families and jobs they must juggle in order to sustain their participation in the EJ Team, our requests were ignored. In addition, EJCW participants were left out of key document development and were only given copies of documents at the last minute.

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At this point, EJCW will pursue other options for reforming the CALFED and Agency approaches to Environmental Justice. We offer the following suggestions for minimal actions necessary to re-engage EJCW in Environmental Justice discussions in CALFED.

Required Actions

1) Respect for EJ Participants must be Restored

Agency leaders and representatives have consistently shown their disregard for EJ participants' specialized expertise. EJCW community members are not paid lobbyists or special interests. EJCW representatives are experts on both environmental justice and CALFED. Most of the individuals currently participating in the EJ Team have been participating in CALFED activities longer than many of the CALFED and Agency Staff. They have each established themselves as leaders and experts in their communities and statewide. They deserve to be treated with respect which should be reflected in the way they are treated during meetings and more generally with respect to funding and meeting schedules.

2) CALFED must invest financial resources in EJ Implementation

EJCW has encountered a consistent and deep-seated reluctance within signatory agencies to invest **any** significant fiscal resources towards fulfilling the EJ mandate of the CALFED ROD. At **minimum**, resources are needed to support EJ community member participation, a key to successful EJ implementation, and to identify and fund EJ at the program level. EJCW has previously identified and recommended a very modest minimum allocation of 5% of every program budget towards projects serving EJ communities.

3) Process for development of EJ Implementation Plan must be founded on a commitment to meaningful public participation

To ensure that the most extensive expertise is represented in the development of the EJ Implementation plan, appropriate representatives of the EJ community must be an integral part of the development of the plan. There is no evidence that the necessary level of EJ expertise exists within the CALFED signatory agencies. Without that expertise it is almost guaranteed that the resulting document will lack a fundamental understanding of the special challenges associated with implementing EJ.

4) Scheduling must occur in deference to the busy lives of EJ Community Members

EJ Community members live under a great deal of pressure from everyday responsibilities in addition to the very important work they do representing their

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communities' concerns. To ensure their full participation in any CALFED meeting, meetings must be scheduled well in advance. Optimally, several potential meeting dates would be offered and community members would have an opportunity to indicate which dates/times work best for them before a final meeting date and time were selected. Additionally, CALFED and member agencies need to fulfill their oft-stated commitment to holding meetings outside of Sacramento; this will encourage more diverse participation.

5) Performance Measures must be a core element of any EJ Implementation Plan

An EJSC workplan remains a missing component of CALFED, as well as most of its member agencies. A workplan for overall EJ implementation is essential; additionally, performance measures must be developed for each program area and for Science. The model for EJ should be cross-cutting, and implementation activities must include every level of CALFED down to each of the signatory Agencies.

6) EJ Performance Reviews must be undertaken in every program area with EJ community participation

Performance measures are only useful if they are evaluated on a regular basis. A commitment to regular review, including EJ community member participation in the review process, is a necessary prequel to renewed participation by EJCW.

I urge you to take this letter seriously and to evaluate your role, as a signatory agency leader, in repairing this situation so that you can meet the mandates described in State Statute, Federal Law, and the ROD. I look forward to a response at your earliest convenience.

Sincerely,

Debbie Davis
Legislative Analyst

Cc: Governor Schwarzenegger
Bay Delta Authority
Bay Delta Advisory Committee
Little Hoover Commission