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Agenda Item: 10

Meeting Date: October 12, 2006

CALIFORNIA BAY-DELTA AUTHORITY

DRAFT ENVIRONMENTAL JUSTICE FRAMEWORK

Summary: A draft environmental justice framework has been developed to provide State and Federal agencies within the CALFED Bay-Delta Program with guidance on how to effectively implement environmental justice (EJ) policy. Comment and input on the draft framework is currently being sought from the EJ community. Input about the framework and planned next steps to hold public workshops is requested from the Authority.

Recommended Action: This is an informational item.

The State and Federal agencies within the CALFED Bay-Delta Program have been working collaboratively to establish a set of guidelines that can inform leadership on effective ways to implement EJ policy within their organizations. In April 2006, an Environmental Justice Roundtable was held to open a dialogue between the CALFED State and Federal implementing agencies and the EJ community. Following the meeting, agency staff drafted the attached EJ framework to address many of the concerns presented at the Environmental Justice Roundtable.

The framework provides direction to the State and Federal agencies within the CALFED Program on how to address EJ concerns in decision-making and program implementation. The framework presents roles and responsibilities for agencies when developing, revising, or adopting policies, programs or activities that may impact EJ communities. The framework proposes that CALFED State and Federal agencies incorporate the following actions, at a minimum: assign appropriate staff to coordinate EJ efforts; establish a transparent process for decision-making; train staff and management on the fundamentals of EJ; and develop a process that makes it easy for the public to file complaints or comments in order to resolve EJ issues.

The draft environmental justice framework was presented at the Agency Coordination Team meetings on August 8 and August 22 to solicit comment and support from CALFED State and Federal agencies' leadership. With ACT support, the framework

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has been sent to a wide variety of EJ organizations for further review and comment by EJ community letter. Responses will be received throughout October. In addition, plans are under way to hold two public workshops the last week of November 2006.

List of Attachments

Attachment 1 – Draft Environmental Justice Framework

Attachment 2 – Letter and survey requesting input from EJ community leaders

Contact

Adrian Perez
State Water Resources Control Board

Phone: (916) 341-5881

Environmental Justice Framework

DRAFT

September 25, 2006

Preface

This Environmental Justice Framework describes effective practices that can be collaboratively performed by the state and federal agencies within the CALFED Bay-Delta Program to advance the fundamental principles of environmental justice. A cohesive and properly implemented environmental justice policy will enhance the quality of decision-making and increase the likelihood of successful implementation and operation of the CALFED Bay-Delta Program.

There are significant practical benefits for communities as well as state and federal agencies when the goals of environmental justice are an active part of the decision-making processes:

- Partner with other public and private programs to leverage agency resources to achieve a common vision for communities.
- Enhance the public-involvement process and strengthen community-based partnerships with CALFED programs.
- More efficiently minimize and/or mitigate unavoidable adverse impacts on disadvantaged communities by identifying concerns early in the planning process.
- Avoid disproportionately high and adverse impacts on minority and low-income populations.
- Ensure that the design, construction, and operation of CALFED projects take into consideration the concerns of affected communities.
- Use monitoring and analysis tools that assess the needs and concerns of minority and low-income populations.
- Make decisions that better consider the needs of impacted communities.
- Work toward educating communities and developing support for CALFED projects and actions.

I. Introduction

This framework provides guidance to the CALFED Bay-Delta Program, specifically the implementing state and federal agencies, to ensure that environmental justice considerations are integral to all relevant decisions, programs and activities affecting the state and federal agencies and encourage active participation of individuals, communities, and governments.

Attachment 1-A provides a graphical representation of how the CALFED state and federal agencies work together to implement environmental justice.

II. CALFED Environmental Justice Goals

Many CALFED agencies have or are in the process of developing EJ policies consistent with state and federal authorities (see Section IV). CALFED EJ goals include:

- A. Environmental Justice Integration – Integrate environmental justice principles into the development, adoption, implementation, and enforcement of environmental laws, regulations and policies.
- B. Public Participation and Community Capacity Building – Ensure meaningful public participation and encourage community capacity building to allow individuals, communities and governments to effectively participate in environmental decision-making processes.
- C. Research and Data Collection – Improve research and data collection to promote and address environmental justice related to the health and environment of communities of color and low-income populations.
- D. Cross-media Coordination and Accountability – Ensure effective cross-media coordination and accountability in addressing environmental justice issues.

III. Definitions

California law defines environmental justice as, “the fair treatment of people of all races, cultures, and income with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies” (Government Code Section 65040.12 and Public Resources Code Section 72000). The federal government’s Executive Order 12898—“[e]ach Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations.” The Executive Order makes clear that its provisions apply fully to programs involving Native Americans.

As adopted at the April 13, 2006, CALFED Environmental Justice Roundtable, “The CALFED Program and its participating agencies are committed to fair treatment and participation of people of all races, cultures, and incomes such that no segment of the population bears a disproportionately high or adverse health, environmental, social, cultural or economic impact resulting from CALFED’s programs, policies, or actions.”

IV. Authorities

- Title VI of the Civil Rights Act of 1964
- Federal Executive Order 12898 (Environmental Justice)
- Federal Executive Order 13166 (Limited English Speaking)
- California Government Code sections 11135 and 65040.12
- Public Resources Code sections 71110-71116
- Dymally-Alatorre Bilingual Services Act, California Government Code sections 7290-7299.8
- CALFED Record of Decision
- National Environmental Policy Act (NEPA)
- California Environmental Quality Act (CEQA)
- Resources Agencies Environmental Justice Policy

V. Commitment of the State and Federal Agencies within CALFED Bay-Delta Program

The CALFED state and federal agencies are committed to the meaningful implementation of environmental justice to provide an equitable degree of protection from environmental and health hazards to all people, and to provide equal access to the decision-making process to people of all races, cultures, and socio-economic status.

- A. CALFED state and federal agencies' policies, programs and activities will strive toward ensuring that no segment of the population, regardless of race, color, national origin, or socio-economic status, should suffer disproportionately from adverse human health or environmental effects, nor denied the opportunity to live in clean and sustainable communities, as a result of CALFED actions.
- B. Ensure meaningful involvement of communities impacted by CALFED decisions in the making of those decisions.
- C. The California Bay-Delta Authority will provide coordination and oversight of environmental justice within CALFED

VI. Environmental Justice Policy and Implementation

CALFED agencies should integrate CALFED environmental justice goals into their CALFED programs, including the design, adoption, implementation, and enforcement of laws, regulations and policies. This integration includes criteria for identifying and addressing gaps in existing programs, policies or activities that may impede achieving environmental justice.

To implement this policy, the CALFED agencies are encouraged to institutionalize environmental justice at least in the following ways:

- A. Address environmental justice principles whenever developing new or revising existing CALFED policies, programs or activities.
- B. Ensure all public meeting notices include provisions for appropriate physical and language accommodations to the extent feasible to individuals with special needs.
- C. Provide effective customer service for non-English speaking communities, including written and oral translation as needed.
- D. Develop performance measures to assess the effectiveness of EJ efforts.
- E. Either assign or establish an Environmental Justice Coordinator within each agency to support the agency's environmental justice policy implementation.

VII. CALFED STATE AND FEDERAL AGENCIES' ROLES AND RESPONSIBILITIES FOR EJ

In developing, revising, or adopting policies, programs or activities, the CALFED state and federal agencies concur to incorporate at a minimum the following:

- A. Assign appropriate staff to coordinate the organization's environmental justice efforts.
- B. Establish a transparent process whenever considering, developing and adopting policies, programs or activities:
 - 1. Establish working relations with communities and governments by identifying and communicating with affected communities;
 - 2. Conduct government meetings in locations and at times that facilitate community participation;
 - 3. Provide outreach to disadvantaged communities on CALFED financial assistance programs;
 - 4. Ensure all outreach and educational materials are easy to understand and in various languages, and are available in various media including the internet.
- C. Incorporate into the body of scientific knowledge relevant information provided by affected communities, and openly share with all impacted communities the data used as a basis for arriving at decisions, in plain English or common languages.
- D. Encourage the training of staff and management on the fundamentals of environmental justice; and,

E. Ensure that any new or existing public comments or complaints processes can address and resolve environmental justice issues

VIII. RESOURCE CONSIDERATIONS

Each CALFED agency shall make efforts through their respective funding processes to support the CALFED Environmental Justice policy.

CALFED Bay-Delta Program

Water Supply
Reliability

Water Quality

Levee
Stability

Ecosystem
Restoration

Implementing Agencies

DWR Reclamation

SWRCB DHS EPA

DWR USACE

DFG FWS NMFS

Sample Environmental Justice Issues

- Conservation
- Transfers – 3rd party impacts
- Surface storage decisions
- .
- .
- .

- Mercury contamination
- ELPH treatment costs
- .
- .
- .
- .

- Local contribution requirements
- Restoration decisions
- .
- .
- .

- Mercury contamination
- Wildlife-friendly agriculture practices
- Third-party impacts
- .
- .
- .

- Funding for participation
- Equitable representation on advisory groups
- ID disadvantaged communities with GIS database



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P. Joseph Grindstaff,
Director

State Agencies

The Resources Agency:

Department of Water Resources

Department of Fish and Game

Delta Protection Commission

Department of Conservation

San Francisco Bay Conservation and
Development Commission

California State Parks

The Reclamation Board

California Environmental
Protection Agency:

State Water Resources Control Board

California Department of Food
and Agriculture

California Department
of Health Services

Federal Agencies

Department of the Interior:

Bureau of Reclamation

Fish and Wildlife Service

Geological Survey

Bureau of Land Management

US Army Corps of Engineers

Environmental Protection Agency

Department of Agriculture:

Forest Service

Natural Resources Conservation Service

Department of Commerce:

National Marine Fisheries Service

Western Area Power Administration

October 5, 2006

To: Environmental Justice Community Leaders and Other Interested Parties

Subject: Proposed Environmental Justice Framework CALFED Bay-Delta Program

I am writing to request your participation in the development of an updated Environmental Justice Framework policy for the CALFED Bay-Delta Program and participating state and federal agencies. The draft Framework policy will be presented to the Program's governing body on October 12, and they will adopt a final Framework at a subsequent meeting.

In addition to asking for input from environmental justice leaders statewide on the attached draft Framework, we are asking for your recommendations on how best to gain additional comments from your communities within the CALFED geographic area. Please complete and return the attached survey, or send us your input by letter, email, or fax by October 31..If you have initial comments that you would like to have considered at the meeting on October 12, please send them no later than October 9.

As you know, the San Francisco Bay-Sacramento-San Joaquin River Delta is one of California's unique and valuable resources. The Bay-Delta system provides drinking water for 22 million people and is an integral part of California's water system. It supports California's urban and agricultural economy and 80 percent of the state's commercial salmon fisheries.. Its levees protect farms, homes, and infrastructure. And it is the largest estuary on the west coast and is home to 750 plant and animal species.

Unfortunately, the Bay-Delta has been in decline for decades. Growth and development in California have increased demands on the Bay-Delta for water supply. At the same time, the health of the Bay-Delta ecosystem has deteriorated and populations of important fish species are at risk.

The CALFED Bay-Delta Program is a collaborative effort among 25 state and federal agencies to improve the water supply reliability and health of the Delta watershed. In 2000, the agencies drafted a 30-year plan described in the CALFED Record of Decision. The plan sets general goals and describes a science-based planning process through which the

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agencies can make better, more informed decisions on future projects and programs within their jurisdictions.

The mission of the Program is to develop and implement a long-term comprehensive plan to restore ecological health and improve beneficial water management of the Bay-Delta System. The program's four objectives are water supply reliability, water quality, ecosystem restoration, and levee system integrity. The CALFED agencies working with local partners are implementing hundreds of projects to improve the quality and reliability of the Bay-Delta system.

In May 2005, Governor Schwarzenegger called for an independent review to help CALFED refocus on multiple emerging crises in the Delta. As a result, a 10-year Action Plan was developed, outlining the new way CALFED agencies will work toward balancing the needs of the environmental and water supply resources of the Delta for the benefit of future generations. This Action Plan has the support of the 25 state and federal CALFED agencies to work with policymakers, local and regional entities, the state's environmental justice and tribal communities, and other stakeholders in order to make CALFED a success.

In April 2006, the CALFED state and federal agency leadership participated in an Environmental Justice Roundtable to open a dialogue with the environmental justice community. With initial input from one environmental justice coalition, state and federal agencies developed the enclosed draft Environmental Justice Framework policy. This Framework will establish environmental justice operating guidelines within the CALFED Bay-Delta Program for all agencies.

As I mentioned, we are now asking for input on the draft Framework. Based on your comments, a final draft will be presented to the California Bay Delta Authority, CALFED's governing body. Upon recommendations of the Authority, CALFED agencies will implement the stated environmental justice guidelines as appropriate for their work and individual missions.

You may return your comments by regular mail to the CALFED Bay-Delta Program, 650 Capitol Mall, Fifth Floor, Sacramento, CA 95814, or by email to bcross@water.ca.gov, or by fax to (916-445-7297).

If you have any questions about the Framework, the CALFED Bay-Delta Program, or

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related issues, please contact Barbara Cross with the Department of Water Resources at (916) 653-5150, or bcross@water.ca.gov. Please feel free to share this information with other community leaders who may have an interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Adrian Perez". The signature is fluid and cursive, with a large loop at the end.

Adrian Perez
State Water Resources Control Board