

# CALIFORNIA STATE LANDS COMMISSION

## ENVIRONMENTAL JUSTICE POLICY

### INTRODUCTION

The Commission envisions a future in which environmental justice communities are no longer disproportionately impacted by pollution or environmental hazards, and all Californians can access and enjoy our beautiful public lands and natural resources. The purpose of this Environmental Justice Policy is to advance that vision. The Commission commits to promoting equity and advancing environmental justice through more inclusive decision-making that considers the disproportionate burdens on disadvantaged communities and Native Nations. It also commits to applying this Environmental Justice Policy to all its operations, programs, and policies.

The Commission recognizes the critical connection California's Native Nations have to the environment and acknowledges that the injustices they have endured over generations, including the destruction of natural resources that sustained their communities and systematic displacement from their lands, give tribal communities a unique perspective on environmental justice concerns. California's Native Nations experience many of the same environmental injustices as other vulnerable communities, such as polluted air, water, and soil. They also experience many unique impacts, such as lost access to sacred resources or locations and lost opportunities to gather or grow food, hunt, and fish, or practice traditional medicine. Climate change and sea-level rise will expose, erode, or submerge tribal burial sites, cultural artifacts, and sacred resources, and further decrease opportunities to gather or grow food, hunt, fish, or practice traditional medicine. Incorporating tribally-identified metrics and narratives is a critical part of an environmental justice impact analysis. The Commission will use this policy together with its Tribal Consultation Policy to amplify tribal voices.

This Policy uses the terms “disadvantaged,” “marginalized,” and “vulnerable” interchangeably; it intends to encompass not only the definitions contemplated by SB 1000,<sup>1</sup> but also to include other low-income and minority populations that are disproportionately burdened by or less able to prevent, respond, and recover from adverse environmental impacts. It also uses the term Native Nations to encompass the federally and non-federally recognized California Native American Tribes and tribal entities included on the list maintained by the Native American Heritage Commission.

The Commission commits to the principle that past environmental injustices will not define California’s future and supports the ideal that all communities equitably share in the environmental benefits and burdens resulting from its decisions. The environmental justice goals below are bold and transformative because that is what California needs. Addressing environmental injustice is especially urgent now—at a time when the impacts of climate change on human health will disproportionately affect marginalized and disadvantaged communities and with it, the public’s right to access and enjoy Public Trust lands.

## ENVIRONMENTAL JUSTICE GOALS

### 1. PROMOTE EQUITY

- a. Ensure that all voices are heard, all communities are treated fairly and equitably, and everyone is given equal opportunity to participate in the Commission’s decision-making process, with an emphasis on ensuring that traditionally disadvantaged groups are not left behind.
- b. Work to leverage the Commission’s management and authority over State-owned Public Trust and school lands to facilitate and encourage projects that alleviate barriers to racial and social equity, such as community renewable energy facilities, broadband internet infrastructure, and habitat restoration projects that improve natural resources for all.

### 2. INCREASE AWARENESS ABOUT THE COMMISSION’S WORK

The Commission will develop tools and strategies to provide information about:

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<sup>1</sup> “Disadvantaged communities” is defined in California law (SB 535, Health and Safety Code section 39711) as including those communities identified by CalEPA to be disadvantaged, taking into consideration environmental pollution and other hazards and concentrations of low income, high unemployment, and other socioeconomic factors. To identify these communities, CalEPA developed CalEnviroScreen and designated the highest scoring 25 percent of census tracts as disadvantaged communities. SB 1000 (Government Code section 65302) defines disadvantaged communities as including those identified by CalEPA’s methodology, as well as “an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.”

- a. The Public Trust Doctrine – what protections and benefits it offers the public and how it can advance environmental justice.
  - b. The public’s rights to use and enjoy Public Trust lands, including tide and submerged lands and navigable waterways, and what constitutes a Public Trust use.
  - c. Management of Public Trust lands and resources for the people of California.
  - d. Oversight of Public Trust lands and resources that the Legislature granted to local jurisdictions.
  - e. Generation of income for the California State Teachers’ Retirement System by managing school lands.
  - f. Prevention of oil spills and marine invasive species introductions.
3. INCREASE AND SUPPORT EQUITABLE PUBLIC ACCESS
- a. Support projects that increase access to Public Trust lands and resources for vulnerable communities that have traditionally not been able to enjoy them.
  - b. Embrace partnerships with state agencies, Native Nations, local jurisdictions, and organizations for projects and other efforts that:
    - i. Protect, conserve, and restore natural resources and wildlife habitat.
    - ii. Protect the integrity and confidentiality of tribal cultural resources and sensitive cultural areas by limiting public access where necessary.
    - iii. Increase and enhance trail and recreational amenity construction, habitat preservation or restoration, open space, parks, and beach access.
4. IDENTIFY AND ENGAGE WITH IMPACTED COMMUNITIES
- a. Identify impacted and vulnerable communities that live, work, or play near a proposed project or activity site, using CalEnviroScreen and other resources.
  - b. Be more informed about the impacts of Commission decisions on Tribes, Native Nations, and marginalized communities.
  - c. Outreach to affected communities soon after receiving an application and throughout the application review process.
5. ANALYZE IMPACTS AND IDENTIFY BENEFITS
- a. Assess and analyze how proposed Commission actions might impact environmental justice communities.
  - b. Analyze climate justice and climate adaptation strategies for disadvantaged communities.
  - c. Identify and analyze potential benefits that a proposed project could provide to disadvantaged communities. Directly reach out to disadvantaged communities concerning benefits they want to see from a proposed project. Encourage changes in project proposals that will create greater equity in the distribution of environmental benefits and burdens.

## 6. REDUCE IMPACTS AND INCREASE BENEFITS

- a. Strive to minimize additional burdens on and increase benefits to marginalized and disadvantaged communities resulting from a proposed project or lease.
- b. Work to reduce and mitigate adverse impacts on vulnerable communities including climate change; sea-level rise; displacement; poor air, water, and soil quality; lost economic opportunities; and inadequate access to open space and Public Trust lands and resources.
- c. Work to reduce and mitigate adverse impacts on tribal communities, resources, and lands, including lack of safe access for gathering, harvesting, ceremony, and other traditional practices; disturbance of ancestral remains and village sites; damage to and looting of cultural artifacts.
- d. Support efforts by ports and others to minimize and reduce environmental and health impacts and maximize environmental and economic benefits to vulnerable communities from industrial activities within the port.

## 7. HONOR THE IMPORTANCE OF TRIBES' ANCESTRAL HOMELANDS

- a. Acknowledge, uplift, and respect the voices of California Native American Tribes and Native Nations in managing lands and resources that include their ancestral homelands. Seek out and learn from indigenous peoples' unique historical, cultural, and ecological knowledge of California's lands and resources.
- b. Understand the importance of Ancestral Homelands:
  - i. Respect and apply principles and practices of government-to-government consultation between California Native American Tribes and the State.
  - ii. Support opportunities to advance traditional use and enjoyment of ancestral lands by Native Nations by facilitating and prioritizing access to and use, restoration, and management of state-owned lands by tribes with historical connections to the land.
  - iii. Protect cultural resources and preserve sacred and culturally important sites whenever possible.
  - iv. Actively support opportunities to empower Tribes to protect, restore, and manage their ancestral lands.

## 8. BUILD TRUST AND FORM RELATIONSHIPS

- a. Leverage partnerships with public agencies, non-governmental organizations, ports, and Native Nations to advance environmental justice and achieve better outcomes for impacted communities.
- b. Build and foster cooperative and mutually respectful relationships with local communities, tribal communities, and environmental justice communities and groups.

## 9. SUPPORT CLEANER INDUSTRY

- a. The [California Global Warming Solutions Act of 2006](#) (AB 32)<sup>2</sup> limits greenhouse gas emissions, reduces fossil fuel dependency, and encourages clean energy. [SB 100](#) (De Leon, 2018)<sup>3</sup> makes it state policy to plan for 100 percent of retail sales of electricity in California to come from renewable energy and zero-carbon resources by 2045. [Executive Order B-55-18](#)<sup>4</sup> sets a state goal to achieve carbon neutrality by 2045 and directs all policies and programs in support of this goal to “seek to improve air quality and support the health and economic resiliency of urban and rural communities, particularly low-income and disadvantaged communities.” To help achieve these goals, the Commission will support efforts to:
  - i. Transition California away from fossil fuels through the timely and responsible decommissioning of oil and gas facilities.
  - ii. Promote the use of state lands to facilitate the development and growth of renewable and clean energy production and support infrastructure.
  - iii. Work with regulatory agencies, the Legislature, industry, lessees, environmental groups, and environmental justice advocates to prioritize energy efficiency and clean energy and help achieve near zero emissions.

## 10. ADVANCE CLIMATE EQUITY

- a. Facilitate sea-level rise preparedness and community adaptation using the best available science to help inform decisions regarding the management and protection of Public Trust lands and resources, following the [2018 State of California Sea-Level Rise Guidance](#).<sup>5</sup>
- b. Prioritize social equity and disadvantaged communities in sea-level rise planning and adaptation strategies.
- c. Prioritize the protection of coastal habitat and preservation of public access while balancing other Public Trust uses and existing water-dependent infrastructure along the coast.
- d. Collaborate with Native Nations to incorporate tribal expertise into coastal resiliency and adaptation while protecting resources and artifacts that become exposed during coastal erosion or submerged because of sea-level rise.
- e. Collaborate with interagency working groups and planners, including the Coastal and Ocean Resources Working Group for the Climate Action Team, the

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<sup>2</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=200520060AB32](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200520060AB32)

<sup>3</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180SB100](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB100)

<sup>4</sup> <https://www.gov.ca.gov/wp-content/uploads/2018/09/9.10.18-Executive-Order.pdf>

<sup>5</sup> [http://www.opc.ca.gov/webmaster/ftp/pdf/agenda\\_items/20180314/Item3\\_Exhibit-A\\_OPC\\_SLR\\_Guidance-rd3.pdf](http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf)

Safeguarding California Climate Action Team, and the Sea Level Rise Interagency Team, with the goal of promoting and advancing social resiliency and climate equity.

- f. Support local trustee partners with developing and implementing sea-level rise adaption strategies.

#### 11. INCREASE PUBLIC PARTICIPATION

- a. Increase and expand outreach efforts to communities that are impacted by Commission actions.
- b. Ensure that documents related to a proposed Commission action use plain language and are available, where appropriate, in the most common languages spoken in the impacted communities.
- c. Engage meaningfully with vulnerable communities throughout the decision-making process for projects that affect them.
- d. Hold outreach and Commission meetings in locations that are accessible to communities impacted by the decisions the Commission may make at those meetings.
- e. Use the Commission website and social media to connect environmental justice communities to the Commission's decision-making process.

#### 12. ACCOUNTABILITY

- a. After policy adoption, finalize and approve an implementation plan based on the attached draft implementation blueprint.
- b. Incorporate environmental justice policy implementation into the Commission's [Strategic Plan](#).<sup>6</sup>
- c. Regularly assess policy implementation and provide annual progress reports to the Commission at a public meeting.

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<sup>6</sup> <http://www.slc.ca.gov/About/Docs/StrategicPlan.pdf>

## APPENDIX

### IMPLEMENTATION BLUEPRINT

#### I. PURPOSE STATEMENT

These strategies are meant to guide the Commission's implementation of its Environmental Justice Policy and can be adapted to ensure the intent is achieved and meaningfully considered in all areas of the Commission's work. This is not intended to be an exhaustive list, but rather to represent potential ways the Commission may advance its Environmental Justice Policy goals.

#### II. PROCEDURAL GOALS

##### GOAL 1.0: IDENTIFY AND ENGAGE WITH IMPACTED COMMUNITIES.

The Commission will work to identify marginalized and disadvantaged communities, including tribal and non-tribal communities, that live, work, and play near a proposed project or lease site as an initial step in the application process.

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##### STRATEGIES TO ACHIEVE THIS GOAL:

- 1.1. Reach out to environmental justice groups, impacted communities, Tribes and Native Nations when the Commission becomes aware of project proposals or receives a lease application, and collaborate with impacted groups throughout the review process.
- 1.2. Develop relationships with community-based organizations and seek their assistance in identifying marginalized and disadvantaged communities that live, work, and play near a proposed project.
- 1.3. Develop and sustain relationships with Native Nations to ensure tribal-specific environmental justice concerns are understood and honored.
- 1.4. Use CalEnviroScreen and other resources that assess where there are marginalized or disadvantaged communities in proximity to project and lease applications and policy decisions.
- 1.5. Continuously update and enhance contacts and relationships with local, regional, and statewide environmental justice advocates.

## GOAL 2.0: SOLICIT INDIGENOUS PERSPECTIVES.

Native Nations have unique environmental justice concerns and valuable historical, cultural, and ecological knowledge of California lands and resources. The Commission will seek indigenous perspectives and expertise in furtherance of the Commission's Tribal Consultation Policy and Environmental Justice Policy.

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### STRATEGIES TO ACCOMPLISH THIS GOAL:

2.1. Respect and apply principles and practices of government-to-government consultation between California Native American Tribes and the State.

2.2. Seek out and learn from indigenous peoples' unique historical, cultural, and ecological knowledge of California's lands and resources.

## GOAL 3.0: EDUCATE AND EMPOWER STAFF.

Staff will receive ongoing environmental justice training to understand what environmental justice is and how environmental justice considerations should be incorporated into their everyday work.

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### STRATEGIES TO ACCOMPLISH THIS GOAL:

3.1. Provide staff with educational materials about environmental justice and equity. Build a collection of relevant environmental justice materials and resources. Provide comprehensive and continuous environmental justice and equity training for staff. Incorporate environmental justice training into new employee training.

3.2. Establish an Environmental Justice Liaison who will be the Commission's first point of contact with environmental justice communities, which will provide more effective and personalized responses to issues and facilitate ongoing communication among staff and environmental justice communities. The Liaison will outreach to communities, identify issues of concern, and recommend solutions.

3.3. Partner and collaborate with agencies, Native Nations and tribal land trusts, nonprofit organizations, and others that are knowledgeable about environmental justice issues. Leverage collaboration to host outreach meetings and brainstorm solutions.

3.4. Develop environmental justice champions throughout the Commission. Integrate environmental justice considerations into all aspects of the Commission's work.



- 3.5. Encourage and teach staff to incorporate environmental justice issue identification, research, and analysis into division and program work.
- 3.6. Embrace, share and implement lessons about social and racial equity learned from the Commission's participation in the Government Alliance on Race and Equity Cohort.<sup>7</sup>
- 3.7. Continuously assess staff capacity and workload and leverage resources to ensure that staff can fulfill the goals of this policy.
- 3.8. Incorporate and prioritize implementation of the Policy in the Commission's Strategic Plan.
- 3.9. Empower staff to challenge the norm, be innovative and empathetic, and self-reflect.

#### GOAL 4.0: ANALYZE POTENTIAL ENVIRONMENTAL JUSTICE IMPACTS OF A PROPOSED PROJECT OR ACTION.

The Commission will ensure that staff analyze, consider, incorporate, and balance the priorities and concerns of marginalized and disadvantaged communities equitably with the priorities and concerns of other stakeholders. Staff will identify and explain the factors that it has analyzed, considered, and weighed in making its recommendation to the Commission.

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##### STRATEGIES TO ACCOMPLISH THIS GOAL:

- 4.1. Incorporate the identification, research, and analysis of environmental justice concerns, issues and potential impacts into the Commission's practices and procedures.
- 4.2. Require industrial and commercial lease applications to identify environmental justice communities in the area and potential impacts of the project on those communities.
- 4.3. Include an environmental justice analysis in staff reports for projects that impact marginalized or disadvantaged communities.

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<sup>7</sup> <https://www.racialequityalliance.org/>

## GOAL 5.0: REDUCE IMPACTS.

Foster a culture that focuses on reducing and avoiding impacts and scrutinizing the value of a proposed project based on its potential impacts on tribal and environmental justice communities.

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### STRATEGIES TO ACCOMPLISH THIS GOAL:

5.1. Modify the Commission's industrial and commercial lease application forms to require applicants to identify environmental justice communities in the area and to identify potential impacts and mitigation.

5.2. As part of the application process, research impacts and work with the applicant and impacted communities to develop strategies to decrease those impacts and increase benefits to impacted communities.

5.3. When there are concerns that a project will result in disproportionate burdens to vulnerable communities, weigh those against the merits of the project and, where feasible, require reduction or elimination of those burdens.

## GOAL 6.0: IDENTIFY AND PROMOTE ACTIONS THAT INCREASE EQUITY.

Leverage the Commission's management and authority over State-owned Public Trust and school lands to facilitate and encourage projects that alleviate or remove barriers to racial and social equity, including community- or regional- scale renewable energy facilities, broadband internet infrastructure, and habitat protection, management, or restoration projects that improve natural resources for all.

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### STRATEGIES TO ACCOMPLISH THIS GOAL:

6.1. Where the Commission is a responsible agency or a noticed party on a proposed project, Commission staff will seek to identify projects that have environmental justice impacts and provide comments during the California Environmental Quality Act review process.

6.2. Develop partnerships with ports, harbor districts, and grantees and lessees to minimize and reduce environmental and health impacts on vulnerable communities from industrial activity or the logistics industry.

6.3. Seek opportunities to preserve, protect, and expand public access to Public Trust lands and resources for everyone, and especially for marginalized, disadvantaged, and tribal communities.

## GOAL 7.0: IMPROVE PUBLIC ENGAGEMENT AND TRANSPARENCY.

The Commission will focus on how best to do community engagement and increase transparency, explore different ways to involve communities and seek funding for public engagement.

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### STRATEGIES TO ACCOMPLISH THIS GOAL:

7.1. Develop and implement a meaningful public participation process. Connect with communities at the beginning of the lease application and project review process and continue engaging them throughout the process.

7.2. Plan outreach meetings, public hearings, and meeting times and locations in areas that are accessible to communities impacted by the decisions that the Commission may make at those meetings.

7.2.1. When that is not feasible, find alternate ways of hearing from affected communities, such as satellite meeting locations and listening sessions, webinars, or community visits during the application review process before a Commission meeting.

7.3 Use listservs, social media, the Commission's website, and other technology to communicate with environmental justice communities.

7.4. Ensure that public notices are available to disadvantaged and marginalized communities.

7.5. Improve the readability of public documents, including CEQA documents, staff reports, and lease applications. Use plain language and fewer acronyms and, where appropriate, translate documents into other languages.

7.6. Incorporate environmental justice topics and concerns into consultations under the Tribal Consultation Policy.

7.7. Send knowledgeable staff to environmental justice-oriented events around the State to share information about the Commission, build relationships, improve public participation, and respond to and address issues and concerns from impacted communities.

## GOAL 8.0: ENCOURAGE COMMUNITY-ORIENTED LESSEES.

The Commission will leverage its management and authority over State-owned Public Trust and school lands to promote healthy communities around those lands by considering the values and the risks that a potential lessee will bring to those communities based on their needs and vulnerabilities.

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### STRATEGIES TO ACCOMPLISH THIS GOAL:

8.1. Work with potential lessees early in the planning process to develop projects that will be consistent with the Public Trust and will reduce impacts and provide benefits to vulnerable neighboring communities.

## GOAL 9.0: ENSURE ACCOUNTABILITY

The Commission and its staff will be held accountable through measurable goals and mechanisms for evaluating and re-assessing strategies. The Commission will regularly measure success and reflect upon the effectiveness of this policy and its implementation. Staff will review the information provided by the public, environmental justice communities, Native Nations, and others to ensure that it fulfills the policy expectations and is beneficial to vulnerable communities. The Commission will use this review to determine if revisions are needed to improve the policy's effectiveness or adapt it to reflect new concerns, issues, or laws.

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### STRATEGIES TO ACCOMPLISH THIS GOAL:

9.1. Establish an external environmental justice advisory group that will meet one to four times annually and advise the Commission and staff on the effectiveness of the Commission's environmental justice policy and implementation plan.

9.2. Adopt methods for determining effectiveness in implementing the policy and establish performance measures to ensure that it is benefitting marginalized, disadvantaged, and tribal communities.

9.3. Present an annual status report to inform the Commissioners of steps taken to implement the Policy.

9.4. Revise the policy and implementation plan as needed to reflect lessons learned and shortcomings identified through the assessment process or public collaboration.