

# San Francisco Bay Conservation and Development Commission

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September 26, 2018

**TO:** Environmental Justice Commissioner Group Meeting

**FROM:** Steve Goldbeck, Chief Deputy Director (415/352-3611; [steve.goldbeck@bcdc.ca.gov](mailto:steve.goldbeck@bcdc.ca.gov))  
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**SUBJECT: Draft Meeting Summary of September 6, 2018, Environmental Justice Commissioner Working Group Meeting**

1. **Roll Call, Introductions, and Approval of Agenda.** The meeting was called to order at the Bay Area Metro Center, 375 Beale Street, Ohlone Room, First Floor, San Francisco, California, at 11:05 a.m. Working Group members in attendance included Chair Teresa Alvarado (via teleconference), Commissioner Eddie Ahn, Commissioner Sheri Pemberton, Commissioner Pat Showalter (via teleconference) and Commissioner John Vasquez. Staff in attendance included Planning Manager Shannon Fiala, Planner Clesi Bennett, Planner Megan Hall, Planner Elizabeth Felter, Chief of Enforcement Adrienne Klein, and Enforcement Analyst Matthew Trujillo. Also in attendance was Erik Martinez, Amber Anastacio-Roberts, and Sumi Selvaraj of the California Coastal Commission.

2. **Approval of the August 2, 2018 Environmental Justice Commissioner Working Group Meeting Summary.** Commissioner Vasquez moved approval of the August 2, 2018 Meeting Summary, seconded by Commissioner Ahn. The motion passed with no objections or abstentions.

3. **Environmental Justice and Social Equity Bay Plan Amendment Timeline Update.** Planner Clesi Bennett informed the group that the deadline for the timeline for the update was being extended to the summer of 2019. Section 1 and Section 2 are more or less the same and a lot it has already happened. Section 3, Stakeholder Engagement, is showing the roundtable that BCDC participated in with State Lands and the Coastal Commission. It also shows the upcoming Resources Legacy Fund/Community Engagement Process and the Adapting to Rising Tides, ART Bay Area public engagement process with BARHI which will be kicking off this fall. The last Section, Finalizing Policy Changes is where most of the newer materials come in. As of right now we have some larger Commission workshops scheduled where we will do training and educational pieces and perhaps workshopping some of the language with the full Commission. All of this is draft and I am sure we will be making changes as things come up. This should bring us out until next June when we hope to have everything wrapped up.

**ENVIRONMENTAL JUSTICE COMMISSIONER GROUP SUMMARY**  
**September 6, 2018**



**4. Update on State Agency EJ Policy Efforts.** Commissioner Pemberton from the State Lands Commission presented the following: I will give an overview about our Commission's work to develop a draft environmental justice policy.

Our jurisdiction is statewide, and this map shows in blue where our jurisdictions are. It is primarily along the coast and inland waterways. We have a smattering of land throughout the state.

We struggled with our outreach because it had to be statewide and we have jurisdictions in Southern California as well as Northern California. Our jurisdictions are vast and spread out all over the state.

A number of themes emerged which are public engagement, equity, inclusion and relationships.

Relationships mean relationships with environmental justice communities around the state and establishing those and sustaining them.

Our objective is to develop meaningful relationships which means that people trust us and feel like we mean what we say, and we will be accountable.

The feedback that we get from this outreach is what we will weave into our policies.

We will then circulate a draft policy along with an implementation plan for public comment. We did this in May and then we revised the draft and we released a second draft in the summer in August and we had a 45-day comment period.

We also circulated the draft internally to our employees to get their feedback. Our goal is to adopt the policy by the end of this year.

In the second paragraph of our draft policy the tribes of California are given a special mention. We have heard a lot about the importance of engaging these tribes because they are not necessarily equated with environmental justice communities. They have unique issues, and this was mentioned in our draft.

We also created an Environmental Justice Working Group last year with eight different environmental justice organizations throughout California. That group has been working as a team to advise our Commission on the draft and they have sent us some recommendations that are on our website. They are pushing us to be bold and take this opportunity to establish broad themes and areas, prevent new oil development, and take the lead on waterfront redevelopment. There is a lot that they want us to do and they are eager for us to start implementing our policies.

After our introduction we have our Vision and Objectives and following that we have our Implementation Plan. This plan is a statement of what we hope to do when we implement our policies. We will further refine this plan and create some key objectives that we want to accomplish in the years after we adopt the policies and we talk about how we are going to do this.

We have 11 policy objectives in our draft plan. We settled on these after doing a lot of outreach and talking with other agencies. They are promoting equity, information: informing the public and tribes, increasing and encouraging equitable public access, increasing awareness of our Commission, analyzing impacts and identifying benefits, honoring tribes and ancestral homelands, building trust and forming relationships with environmental justice communities, supporting cleaner industries, increasing public participation, reducing impacts and increasing benefits, and accountability.

Accountability is a core objective that we have been hearing a lot more about because there is a lot in our draft policies especially if you look at the implementation section. People want to know exactly what we are going to do to be accountable and deliver on what we promise.

How will we measure effectiveness? Our idea is to ask internal questions on a quarterly basis. We will ask things like, is the policy useful, do we see it as a model for other agencies and will it inspire others and how are we doing with communicating measuring this, and how are we doing in achieving our goals?

Our hope is to ask these hard questions on a quarterly basis and then spend some time reflecting on that to keep us on track with being successful in implementing the policies.

I am happy to answer questions. I don't want to get into too much detail on the policies themselves.

During the week of September 14<sup>th</sup> which is when the comment period closes we will start revising our draft policy and working on a final policy for our Commission.

We are also doing more outreach in the coming months in October in Long Beach and potentially one more outreach session for the tribes in Northern California.

Chair Alvarado asked: When you started this process when was the advisory working group established? Can you give us a little bit of background on that?

Commissioner Pemberton replied: I think it was about a year and a half ago or possibly two years. It was when we first started talking about it. We noted that we had an environmental justice policy that was developed in 2002 and it was time to update it. It was a few months into that when we started the environmental justice working group.

We first developed a team internally from staff in our different divisions and tried to develop a strategy to do outreach ourselves. It was a daunting and overwhelming task. Our Commission decided it would be helpful to have some formal structure with a set of environmental justice groups to help guide us.

Commissioner Showalter had questions: I was wondering if people are really looking at this through the comments that you have received? Are you getting good feedback? Did you before?

Commissioner Pemberton explained: No. No, we are not getting a lot of comments. When we released the first draft we got five or six comments from a couple of big environmental organizations. We haven't really received more comments. We have been trying to spread the word through our listserv, through MailChimp, our website, and social media.

We find that when we do outreach people are really interested and they want to talk about what matters to them. That next step of actual written comments coming our way; we haven't been getting a lot of those.

Commissioner Showalter added: This is what we have been talking about. The problem is that the vulnerable communities don't really have the capacity to respond well. And we have to help them get that capacity.

Commissioner Pemberton continued: I think having the environmental justice, working group and those eight organizations; maybe they represent a lot of the communities that aren't otherwise commenting.

One aspect is that a lot of people don't know what the State Lands Commission is. And so, a lot of people don't think to comment. A lot of people that we talked to are motivated and driven by their dealing with acute issues and they don't trust government and they have given up on government as a resource.

Commissioner Vasquez asked: During your brown-bag sessions what did the employees have to say? What were some of the comments that came out of that?

Commissioner Pemberton responded: Some of the comments were: what does this mean for us? How will this change our work? How we will we affect environmental justice when we are processing applications and developing leases? How does this relate to CEQA when we do our environmental impact reports and our other environmental documents?

And then there was curiosity about terms like, what does, "underserved" mean? What does, "vulnerable" mean? We talked about CalEnviroScreen and what it can do. So those were some of the comments.

Commissioner Vasquez continued his inquiry: So how do you map out that work? One of things I still struggle with is that we can come up with all of this but how do we begin to implement it and how meaningful is it to those communities? Are we telling those communities, don't worry we can take care of you? Maybe those communities don't trust government.

Commissioner Pemberton opined: I think it is so big that it is just chipping away with little bits of progress. We can establish our key objectives and tackle those because our draft policy does have a lot in it. We can't just say, okay, let's do all of this stuff now.

We are trying to focus in on concrete ways that we can make progress and at the same time be empathetic with communities but honest and not over-promise.

Commissioner Vasquez added: Yes, it's the old retail adage, "under-promise and over-deliver".

Commissioner Pemberton continued: It is really hard because of that.

Commissioner Vasquez agreed: It is, and I was thinking of your folks when they go through the process and say, here is what we really can do. Is it going to be a vetting of priorities and some of the things that they think they can accomplish?

Commissioner Pemberton continued: Yes. I think we would spend some time focusing on the realm of the things that we want to do and how we will approach doing them and what are our priorities? We would talk about what are our key goals, so we can align our work with trying to achieve those goals.

Commissioner Vasquez asked: Would we be doing the same thing at BCDC? Would staff have input into the priorities and how do you expect to achieve them?

Ms. Bennett chimed in: Yes, absolutely. We have been periodically talking with our regulatory staff about what that would look like as they are the main ones who can implement these policies.

It is something that I have spent the past couple of weeks trying to dig into. Elizabeth has done all of the planning-level data about vulnerable communities and we have been having conversations with some of the regulatory staff on how they would actually use that data when it comes to meeting with applicants or writing permits. That is a conversation that we are trying to have right now.

But the big question is how exactly does this get implemented? It might mean beyond just whatever we write into the Bay Plan Amendment. We might need to change some of the regulations or need to change some internal processes about meetings or how we post the notices or the applications for permits; those are discussions that we are starting to have about once we commit to certain high-level principles or themes – how do we actually start doing those?

Commissioner Vasquez added: I would expect that this would be how you would help the Commission itself. We just get to vote on it, but we are not from day-to-day implementing it. For me, it is about how do you hold that policy accountable? Are you placing things in there that you simply can't reach? Or are there things we can chip away at?

Ms. Bennett agreed: Right. One of the things we will have to balance is how much of the work we put on staff versus how much of the analysis do we put on applicants. Are there things we want to ask them in the design process, are there things we want to ask them about their outreach – so, definitely we are having those conversations right now.

Chair Alvarado commented: On slide 2 where you talk about jurisdiction; I'm wondering if part of the lack of response is that your jurisdiction is in areas that aren't really heavily populated. I'm wondering on where you have filled land what does that really look like and then, more importantly, the school lands – what are those?

Commissioner Pemberton explained: Those are lands that California received when it became a state from the federal government. They are what are called the sixth and the thirty-six sections of each township in California. Those were given to the state for supporting public schools. Most of the lands were sold over the years. We retain about 500,000 acres of what was granted to us. Their uses are restricted to uses that support schools, but the Legislature directs the revenue to CalSTRS.

They are mainly in the desert, mainly land-locked and a lot of the lands are within national forests or within federal lands. They are really hard to use and there are not a lot of people residing or using school lands to where we would get input. They are also prioritized by the Legislature for trying to facilitate renewable energy.

These lands are not really populated much. Sometimes we retain the mineral rights on these lands.

Mr. Mathew Trujillo commented: So, a lot of the language is dedicated to Native Americans. I'm wondering what level of involvement they had in drafting or consulting on this draft and also as a targeted-population, given the low response rate – I'm wondering if it is concerning that you are not getting much from that community in terms of response?

Commissioner Pemberton replied: One of the organizations on our working group is Sacred Sites and their representatives have been giving us a lot of feedback and that is why tribal issues are elevated in our policy.

We did do tribal outreach with the San Diego Tribes and we had a good turnout. We are trying to organize another one in Northern California. We also have a tribal advisor and a tribal consultation policy that we have already been doing.

We are aware that it might over-emphasize tribal issues. We haven't quite figured out what that exact, right balance is so that it doesn't eclipse other communities.

Mr. Trujillo continued: And also, one of the goals is to increase community engagement through meetings and so forth. Do you have an idea of how you are going to be able to fund that initiative or is that one those aspirational things?

Commissioner Pemberton answered: We are hoping that we could get some funding from the Legislature to support our outreach. If we could get some additional funding, we are hoping we can schedule meetings at times that are more accessible for working families and others and we can provide translation services or parking to make it easier for people to attend.

If we don't get funding, then our staff would have to figure out based on the funding that we have what we can do or if we can use channels like social media and other ways where we can connect with communities that don't have as much of a cost to engage. It is a challenge to get funding along with other challenges to do our outreach.

Ms. Bennett chimed in: I was wondering if you could speak on how this is going to work in conjunction with the tribal consultation policy and your tribal liaison as BCDC does not have this.

Commissioner Pemberton explained: We are trying to figure that out. We do tribal consultations routinely and once the final policy is adopted; our tribal liaison and our staff will work together on how we meld them together. We are hoping that we can bring on or redirect a staff person to have a dedicated environmental justice liaison. If we are able to do that then they would work together to establish ways to move forward with the policy implementation and the tribal consultations so that they work in the right way.

Commissioner Ahn inquired: How did the San Diego outreach session occur? Was it through Sacred Sites that you are connected to the representatives?

Commissioner Pemberton replied: I believe it was through Sacred Sites. They had some funding from Resources Legacy Fund that they used to put it on. Our staff worked with Sacred Sites on developing the event and follow-up.

Chair Alvarado continued: Thank you very much Sheri. This was super helpful.

Ms. Bennett announced: Next we are going to hear from Sumi at the Coastal Commission.

Ms. Sumi Selvaraj addressed the group: I am going to give a brief overview of our environmental justice policy that is a draft policy that is now out for review. The draft that you have is the August 9<sup>th</sup> version that was released for doing a staff presentation at our public meeting next week.

In preparation for that we actually released a new version August 31<sup>st</sup> that has a few minor text edits and is pretty similar to this but just wanted to let you know that there is a more recent version out.

We are a sister agency to BCDC, but we do regulatory and planning work for the outer, coastal zone along the Pacific coastline down to San Diego and up to the Oregon border. We get all of our authority from the Coastal Act of 1976. We implement the Coastal Act through our local coastal programs such as planning and our coastal development permits.

The reason why we developed an environmental justice policy is because in 2016 the Coastal Act was amended. It gave our commissioners the ability to consider environmental justice when making permit decisions and it also cross-references government code on environmental justice and civil rights with the Coastal Act.

We have an environmental justice commissioner, Effie Turnbull Sanders who is currently the EJ Commissioner and she is appointed by the governor. This text is from AB 2616, Section 4 of the Coastal Act and it states that the commissioners when acting on a coastal development permit they may consider environmental justice.

Similar to BCDC we have other coastal resource areas that we review development for including sensitive habitat, safety from coastal hazards, impacts to public access and that is all in Section 3. So, the permits have to be consistent with those elements of the Coastal Act and now the commissioners may consider environmental justice as it relates to the Act.

We released our first, public draft on August 9<sup>th</sup>. We did have a draft that was released almost a year ago, but we didn't actually publicly present on it or go forward with it. We heard from community members that they wanted to be more involved in the process and more engaged. We stepped back and that started the whole process of developing our environmental justice policy by doing stakeholder outreach and engagement.

The current policy that is in front of you is open for a 90-day, public, comment period which we decided on after hearing from environmental justice groups that they wanted a longer period. We also include a staff memo which comprises the majority of this report and then the last few pages are the actual policy statement itself and the guiding principles.

Our environmental justice policy is one part of our whole approach for how we are going to think about environmental justice at the Coastal Commission. We started developing the policy because it is a way for us to try to hear from the community and understand what is important and to also establish a direction within our agency and a direction for our commissioners. We are also participating in GARE (Government Alliance on Race and Equity) along with the State Lands Commission and other state agencies in the Capital Cohort. Through that process we are developing a racial equity action plan and that is going to focus more on staffing and hiring diversity within our agency.

We are also going to be integrating environmental justice into our Strategic Plan. Our policy is more of a guiding statement and principles and the approach we are taking is to implement our racial equity action plan and our strategic plan and outline how we plan to implement our policy through those two other efforts.

In preparation for the environmental justice policy draft that is out now we started with a lot of stakeholder engagement. We took the approach of developing a staff team where we have staff from all of our district offices and from different units as well such as legal, enforcement and planners.

We did outreach in the different districts since it is difficult from our staff in San Francisco to go and meet with groups in San Diego or up in the north coast. The advantage of having the staff in the different districts participate in this outreach is that they are able to build those relationships for their district because they are the ones who will be interacting with the groups on permits and plans and we wanted to start that from the outset.

We also co-hosted a roundtable in Oakland with State Lands and BCDC and we are hoping to continue partnering with State Lands when it makes sense and partnering with our sister agencies since we have often been hearing that these groups are being asked to participate in a lot of different efforts. So, coordinating where we can, is something that we are really trying to do.

A lot of feedback centered in these categories you see on the screen. We did all of these interviews prior to developing this draft. These categories included: agency outreach and engagement, tribal concerns, barriers to coastal access, energy, housing, permitting, climate change, staffing and hiring, policy development, health, and local governments.

The way that we incorporated these into our policy is that we have a policy statement and then we have a statement of guiding principles. One of them is respecting tribal concerns. Sheri mentioned that they elevated this in their policy and we also thought it was important to recognize that tribal groups and stakeholders have different rights and different concerns and histories. We wanted to recognize that in our environmental justice policy. We just recently adopted a tribal consultation policy at the Coastal Commission as of our last meeting. That is an effort to formalize tribal consultation, but the environmental justice policy recognizes that tribal concerns and some of the histories of tribes also fit into what is considered environmental justice. The histories of inequities and disproportionate environmental burdens on communities are recognized.

We also heard that meaningful engagement is very important. People want to build relationships that last and be involved earlier on. To that end we have been trying to create handouts that summarize what we are doing in a more accessible format and in other languages when possible, primarily Spanish at the moment.

We also heard a lot about coastal access and that different barriers alongside that.

We also heard a lot about access to the process; that is the procedural element that communities feel like they are often left out and that is intimidating to come to public hearings and commissioner meetings.

The Coastal Commission has a monthly meeting every month that is televised and it has a very formal proceeding. We have been trying to work to create handouts like the ones you see on the screen that explain what to do at a meeting. We are trying to think of other ways to improve access to the process.

We also thought it was very important that accountability and transparency are included in our policy statements. CalEnviroScreen is a tool that can be used later in terms of our analysis on impacts.

In addition to CalEnviroScreen we are thinking about how do we address this in our permits or how will we be accountable to follow through on this policy? Some of the things that Sheri mentioned in her presentation are things that we are still thinking about. We are slowly trying to have these conversations around what sorts of tools do we have that can help

us in sharing how we are doing our analysis. How do we incorporate community knowledge and factor that into our analysis? How do we provide noticing about permits or development issues that are coming up? These are all things that we are talking about.

We have been trying to partner with other agencies. We are in the GARE workshops. We did one webinar in the beginning that was an informational webinar about the Coastal Commission in general and why we are developing an environmental justice policy and that happened last October, and we have now had over 300 views on that webinar video. We used it in our outreach. I often heard, I watched your video and I have some questions. We recognize that a lot of people don't live on the coast or they aren't property owners on the coast and they don't know the Coastal Commission and they don't understand how the Coastal Commission might make decisions that benefit or impact them. That was a tool that ended up having a lot of success.

We are going to do another webinar in two weeks explaining our policy a little bit more and what the purpose of the policy is and the role of public comment and put it up as a recording for people to watch.

We ended up doing more one-on-one conversations because in terms of staff time and also the preferences of different groups played into this. Some of the conversations were one-on-one and some of them were groups.

We developed an environmental justice listserv, like a mailing list, so anyone from the public can join this list to receive notices or updates about the policy or relevant items. We are developing these informational handouts and we also have a dedicated email account.

We have a lot of things we have to do next and you can see on the screen it is a long list. (Laughter) This will give you an idea of things that we are thinking about.

Staff training that you see on this list is also a priority of our executive director. We did a pilot one back in February, but we haven't done it for all of our district offices. We are thinking about what tools we do training on and how do we connect this to what our work is. That is something we are actively thinking about and doing meaningful outreach and engagement. That is a quick overview and I will take questions now.

Chair Alvarado had a question: You said there is another webinar in two weeks and those are captured on the website, right? We can see them at any time?

Ms. Selvaraj answered: Yes. We have a link to our past webinar on our website. I just sent out the first announcement about our new webinar yesterday. I will share the invite with this working group. We will do the webinar and once the recording is posted we will have that available on our website.

Commissioner Vasquez commented: Sacred Sites is dealing with the tribes. If there should be a burial ground and there is a project moving forward but it doesn't come under your purview; how does SB 1000 work for them in that case?

Ms. Selvaraj explained: We haven't looked at SB 1000 as closely as that. We are aware of it. And in areas where the local government is trying to do their general plan guidelines and updates, they also have a local coastal program, hopefully we could find a way to do some coordination or also think about how they intersect and how the local government decides to structure their environmental justice element. I'm not so sure about how tribal concerns and rights are considered in SB 1000.

Ms. Bennett interjected: They're not called out as one of the requirements of topic areas. You could have tribal concerns under there but the ones that are suggested are pollution, air quality. But it does not, to my knowledge, specifically call out tribal issues in SB 1000.

Ms. Adrienne Klein inquired: How does the Coastal Commission fund the webcast of the Commission meetings?

Ms. Selvaraj replied: They have a contract with CAL-SPAN. I don't know how they do the webcast of our public hearings, but I believe it is through CAL-SPAN. It has been happening for quite some time.

Ms. Fiala commented: Drawing on my experience as a former Coastal Commission staff member, they renew the contract every year with the company that handles the audio-visual for them.

Ms. Klein asked: Is that something that the Legislature authorizes? Where does the money from the budget get carved out to support that?

Ms. Fiala replied: I'm not sure if it is just general fund or some special fund. I'm not sure.

Ms. Klein continued: That is something that BCDC staff has wanted to do. I can't recall what efforts we've made to achieve that funding source. It would be helpful to understand how they do it.

Commissioner Pemberton added: As long as I've worked with the Commission they have webcast their meetings. My understanding is that it is captured in our budget.

Ms. Klein asked: Do you publish everything bilingually?

Ms. Selvaraj replied: Our actual policy statement and in our memo is not in another language right now. For our meeting agendas and certain flyers and handouts, we have been trying to have them bilingual. For our meeting agendas, there is a contract that they have for translation services, but it is only for specific items and they get billed accordingly. Our public education program does some outreach bilingually also.

The public education program is funded on a separate budget. They get a lot of their funds through fundraising and resources.

Commissioner Ahn inquired about accessibility: Could you go back to the access to process line? I find that presentation is just as important as the distribution channels. I am wondering if you have a person on staff that is funded to do this.

Ms. Selvaraj replied: I think this is going to be the first meeting where these fliers are out. I recently sent them out as well in our environmental justice listserv making them aware of the handouts. This came out of our discussion in a GARE activity, which is the Government Alliance on Race and Equity. We talked about barriers and access to meetings was a huge one that came up and this feeling of intimidation at meetings. Through that, Erik stepped up and created these handouts.

Commissioner Ahn made a request: If you don't mind sharing this with BCDC staff I think this should be standardized across different agencies and commissions because your average citizen has no idea what to do when they walk into a Commission meeting.

Ms. Selvaraj answered: We can definitely send them as an example for you guys to look at.

Ms. Bennett commented: I noticed that in your draft you talk a lot about, when possible – increasing access including translation services; and I am assuming a lot of that is going to come down to funding. Is there a discussion about additional funding sources for this? Is it going to the Legislature? Do you know?

Ms. Selvaraj replied: I work under Noaki Schwartz and Sarah Christie our Legislative Director and they would be the ones to answer that question in detail. At the moment it's been more of adding tasks onto existing responsibility for staff. I am going to continue working on it, but it is still in addition to other responsibilities I will have as an analyst. It is the same with the staff on our environmental justice team.

We checked with upper management to make sure that if a staff member in their unit wanted to be on it that this is okay. It is added on to the additional duties and responsibilities.

At the moment we have been focusing a lot on just getting the policy adopted. Implementation will probably have to have some other accommodations.

Ms. Bennett asked: Along the lines of implementation, do you think it is going to be on the local government to put it into their LCPs or do you think you will do more of the implementation?

Ms. Selvaraj opined: I think the local governments do their own permitting as guided by their local coastal programs. Our executive director is very supportive of all of this and it is a priority for him. In terms of getting staff time and having this as an elevated item at our agency that has been really important. As updates are coming staff on our team is asking if we should include this in the LCP updates. That is where having staff training will be really important because then it gets all of our staff to think about how this connects to the work they are doing as planners.

We need to ask where this can fit in because the overall goal is that this gets integrated into all of our agency actions. It has come up a few times with LCPs, but I don't know the status of that or how it has been edited.

We give out local coastal grants such as planning grants to local governments. In the last round we included a requirement that there should be more outreach and engagement with environmental justice communities or other underserved communities. Moving forward with the grants we can try to encourage evaluating the impacts with how they intersect with environmental justice, climate change and sea level rise because a lot of those grants are to support work on integrating climate change and sea level rise into the local coastal programs.

Commissioner Pemberton addressed funding: In response to Clesi's question about funding for State Lands; our staff has been doing this work in addition to its regular workload and for implementation we are not allowed to talk about anything in the budget unless it is an approved item.

We will certainly try to get funding to help us with the implementation. We are trying to figure out what do we need funding for. We know that when we have a big project we want to do outreach in communities that are in proximity to it. We are having a hard time identifying the costs for that.

We know we want to do translation of our documents and we have to figure out what that would cost. We need to know what our needs are for our websites. Trying to quantify these costs is a challenge.

We meet every other month and we have about 100 items on our agenda. A lot of those may not necessarily have an environmental justice element to them. We are also trying to figure out what percentage of our work is of interest to and relevant to environmental justice communities. So, we are running the numbers pertaining to these activities.

Ms. Bennett commented: I am wondering if you could talk about the relationship between the environmental justice policy and the tribal consultation policy and what you have heard about having some of this kept separate versus putting them into the same policy. Other state agencies have combined tribal and environmental justice.

Commissioner Pemberton stated: We have been cautioned not to fold them together because we have heard that tribes will be offended if we deem them to be environmental justice communities. It is really important to distinguish between tribes and environmental justice communities but not to exclude tribes from the environmental justice discussions.

We have also heard that when it comes to tribes some of the groups who have talked to us about this want us to look at ways to return land to tribes. We can't do that but that is one area that we have been hearing a lot of emphasis on time and time again.

We are also sensitive to that when we talk to a lot of environmental justice communities, their issues are a little different than tribal issues. However it is structured, it is important to be mindful of a lot of the sensitivities that are involved in that area.

Ms. Selvaraj added: I did a few interviews with the state agencies a long time ago when I started to understand what they are doing, and they mentioned that it is important to keep it separate and we spoke with tribes also. They are a sovereign entity and so having a tribal consultation policy is important because it recognizes their rights and their unique histories.

For the environmental justice policy with relation to that a lot them spoke about issues related to accessing ancestral lands or being limited with gathering and catch limitations and items like that which were related to some of the issues that intersect with how we review and analyze development permits.

Consultation is more about process and engaging with them. The environmental justice policy helped us learn a lot about what is important in terms of these environmental issues and things where they feel like they are limited, or they have been burdened.

We also heard that it is very important to keep it separate even from agencies where they do have a unified office or a tribal and environmental justice advisor.

Ms. Bennett continued: You brought up coastal access. I am wondering how you are thinking about that in terms of environmental justice. You also had housing as a priority. In the Bay Area housing comes up almost in every discussion. Can you incorporate this into your policy?

Ms. Selvaraj replied: I will answer the housing question first because it is a little tricky. We heard about housing in visitor services in our stakeholder engagement, but we don't include it as a policy statement. It is not in our current version mainly because the Coastal Commission doesn't necessarily have the authority to mandate affordable housing. As we hear from public comment and we get input about including housing as a guiding principle; the Coastal Commission used to be able to mandate affordable housing, but it got taken away from us.

It is a tricky one at our agency because we know we can't do anything about it. We will have to think about helping. Another area where housing has come up is when you think about sea level rise and the impacts of displacement from adaptation or what that might look like for communities at risk.

Those are kind of long-range items. At the moment it has come up, but we haven't figured out how to incorporate it as a policy statement.

Barriers to coastal access is huge at the Coastal Commission and at our meeting next week we are having a presentation by some of the coastal justice groups that we have spoken with and others that we have spoken to about issues they faced in getting permits from State Parks or accessing the beach. They are going to do a stand-alone presentation to present some information about the barriers they have been facing. That is happening at the same time as our first presentation on the draft policy.

It is interesting because it often is guised under other things such as, we want to keep our beaches clean or we have a gate here and we are charging a fee for it to maintain it but if a fee is charged for access then certain groups can't get to it. Those are issues that we have been trying to address at our agency, but this policy will help elevate those.

This is something that we have been dealing with for a very long time. This also gives a lens of thinking about some of the important issues that are specific barriers.

Mr. Trujillo commented: On the issue of barriers to access I noticed in the policy statement the use of the term, “lower-cost”, recreational opportunities and I felt that this was something that was carefully chosen as opposed to, “low cost”. A lower cost would seem to still have those effects; still a kind of barrier for those who are even below that threshold.

Ms. Selvaraj replied: The specific language of, “lower costs” is in the Coastal Act. The Act still says that the Commission may support lower-cost accommodations. The word, “lower” could mean something different than “low”. I don’t know that we have a specific threshold on what lower or low mean. This is still a work in progress, so this is something that our statewide planning unit is trying to come up with recommendations but the way that this is realized in different jurisdictions and local coastal programs varies from jurisdiction to jurisdiction.

It is an interesting one. And some of the things that relate to that have been things coming up around short-term rentals and how that might affect housing and lower-cost accommodations. That is something that we also work with the Coastal Conservancy on. They are able to administer some of their low-cost, accommodations programs through funds that they get from the Coastal Commission through mitigation fees.

Mr. Trujillo continued: It also might relate more to a discussion of sea level rise. You acknowledge that to be able to afford to live along the coast is prohibitively expensive meaning it is reserved for those who have the means to do it. In the area of sea level rise I envision a future where a lot of those residences or properties may be abandoned as opposed to picked up and moved away or even dismantled. There seems to be a need for some discussion about how that will be anticipated, and in the eventuality that it does occur, that all these abandoned structures are just left in place; who is going to be accountable for that and how is the Coastal Commission going to hold people accountable for that?

Ms. Selvaraj stated: It is something that we have discussed. I work with our sea level rise team and right now we have a residential adaptation policy guidance that has not been adopted by the Commission and we have had two public hearings on it. We have been hearing a lot from homeowners who are concerned about their homes or worried about some of the recommendations but the purpose of that guidance is to help local governments think about types of language that they can craft for their local coastal programs to address some of the issues about homes and what to do when they are unsafe or what to do before they become unsafe.

It is separate from the environmental justice policy but hopefully this policy will also help think about how that fits in with these other issues. The residential adaptation guidance is the first set of guidance in terms of implementing our 2015 Sea Level Rise Guidance in terms of residential zoning and land use along the coast.

Our staff is also working on developing critical, infrastructure guidance. That has just begun. They are currently in the scoping phase and that is funded by a NOAA grant. The residential adaptation guidance, on some level, will hopefully provide, at least, tools to use. It will come down to public and the different permit conditions or what the LCP language looks like.

Commissioner Showalter commented: There is a lot that has been done and this might cease under the Trump Administration. In the National Flood Insurance Program there is a lot of material made available about making good land-use decisions along creeks and coastlines.

One of the problems that they are hearing in the National Flood Insurance Program is that it just assumes that you are going to rebuild where the flooding occurs. As time goes on that will become less and less of a social good.

That is not something that we need to look at in California. That is a big national issue. When things come up about the flood insurance program we should all be paying attention to it.

Ms. Bennett continued her inquiry: Something that has come up in our internal discussion with our regulatory staff is that sometimes when applicants are coming to BCDC for their permit it is quite late in their entitlement process. They have already done their CEQA. They have already gotten their local approvals. We are kind of the last check. And by that point we can't really change the design of anything. We can't really do much.

At that point is it too late or not on us to be doing engagement? I'm wondering if that comes up at either the Coastal Commission or State Lands and if there has been any talk about trying to meet with the project proponents earlier or if you even face that issue.

Commissioner Pemberton responded: This really hasn't come up with us. We do CEQA for ourselves for some projects. We are usually not at the end of the permitting process.

You raise a good point because if it comes to BCDC at a point where the design and all of the elements are mostly done; what is the goal of the outreach and engagement at that point? Maybe the way to address that is to build in some outreach or consultation with BCDC at the front end before you get the application so that you can express the policy about environmental justice and have this discussion and an opportunity to shape things based on that earlier before it gets to you.

Ms. Bennett stated: To my knowledge, our staff is encouraging applicants to come in for pre-application consultation but not required.

Commissioner Pemberton added: One of the things that we've been hearing a lot about and struggling with is figuring out is people wanting to have a seat at the table in our decision making. They want to know what is on the horizon. We don't usually publish our agenda until 10 or so days before our meeting and then our staff report to follow. We don't have a great way of sharing information with the public about pending applications.

There is a big gap there that we are trying to figure out how to bridge. I am hearing that, we want to be involved in your decision making and that means different things for different people and our staff tends to be a little nervous about what that means. What the communities want is to be consulted and for their perspective to be considered.

We don't have a public list of applications that are being considered and there is some fear of having a list because the applications sometimes are tenuous or are withdrawn and may not move forward. We are little worried about something being out there that may unwind. That could bring its own challenges.

We have seen that there is a lot of mobilizing behind certain issues. So we have to find the right balance with putting information out to the public but not handicapping ourselves and some sort of campaign being launched to try to kill something before there is anything there to kill.

Ms. Klein spoke: Clesi, your question was a good prelude to a thought that I had. I am not familiar enough with CEQA to know if when an analysis is done under CEQA and the environmental justice issues are considered, but if they are, that is obviously an early review and a very initial review. So, I know BCDC has, in an effort to facilitate consideration of the McAteer-Petris Act, will comment on the project on CEQA documents in their draft stage in order to help. There isn't a lot of overlap with many CEQA considerations and McAteer-Petris Act considerations. That could be a way there could be an agency commitment to commenting on CEQA documents in the BCDC jurisdiction with the environmental justice lens.

Ms. Bennett added: I think that is in the State Lands implementation section is commenting on CEQA and that could be one way that we do it. In terms of whether it has to be analyzed when they are doing their CEQA reviews is a debated topic. Case law and precedent has kind of said, no. However, Kamala Harris put out an opinion a number of years ago that said, it should be. That is debated among folks with legal expertise.

Ms. Fiala commented: My understanding is that NEPA requires an environmental justice analysis and that CEQA does not.

Commissioner Pemberton added: There is also legislation on the governor's desk involving CEQA and environmental justice. And if it is signed it would set new requirements on lead agencies to do outreach to environmental justice communities. That bill, if it becomes law, will be something to look at and assess too.

Ms. Fiala stated: Archeological concerns are captured under cultural resources considerations in the CEQA document.

Ms. Klein continued: To the discussion about participation in process as far as I'm aware at BCDC we publish, and we are required by law to publish a listing of permit applications that are going to be processed administratively by the executive director as opposed to the Commission. More than a decade we began voluntarily publishing a list of applications received by BCDC.

Ms. Bennett explained: If you go on the internet and search it, that hasn't been updated since last fall. My understanding is that there hasn't been the capacity to keep that public list updated.

Ms. Fiala commented: One way that the Coastal Commission addresses that is in each meeting agenda they have a list of pending items. It doesn't say when they would come to hearing. That is generated on a district-by-district basis.

Ms. Selvaraj stated: We told all of our CAs to let us know if they think of permit applications coming in or if something has come in to flag it so if they do need support and outreach engagement we can try to provide that.

Ms. Bennett asked: Who does that outreach fall on? Would that be Noaki or would it be your public education department? Would it be staff? Would it be requiring the applicant to do that outreach?

Ms. Selvaraj answered: At the moment it has been that we as a staff work together to provide extra material support for the staff. If someone asks about environmental justice in a certain district I might turn to that particular staff and ask them who they recommend connecting this person to.

The district people already know some of the tribes that they can go to that are very involved and are familiar with the issues.

Commissioner Pemberton commented: It is the same for us regarding CEQA. The applicant would have to do the outreach when dealing with their CEQA. If we are successful in acquiring an environmental justice liaison then that person might be the person who facilitates and sets up a structure that our division follows for outreach. It is still coming together.

Ms. Selvaraj explained: We have regulations on noticing requirements and things like that. We haven't gone through and looked at if there are some regulations that might affect how we do these things but someone in our legal department told me that these are all for how we do things. That is a conversation that we have to have with legal and figure out what can we do and what can't we do or what needs to be changed in how we already do things.

This is something that will have to happen later on but there are certain things that the policy itself still might not change some of the actions that are happening.

Commissioner Pemberton commented on collaboration: That raises an interesting item when mentioning collaboration with legal. One of the challenges that we have found is that our legal staff is so central to what we do that this environmental justice work doesn't fit nicely in the legal category. It is a little bit of a challenge because some of what we are trying to address to what we feel our needs from environmental justice communities might not align with what our legal staff feels is the way forward or not the way forward. That is an area where there are some challenges that I would mention.

For the environmental justice communities just hearing back from legal, sometimes they have a tendency to talk in terms of law and case law, and that can be that legalese that communities really are put off by.

Chair Alvarado chimed in: So, we are closing up on 12:30 here. I do have a question for staff. In terms of the next steps and how all of this good work that other agencies are doing will inform our Bay Plan Amendment, can you go back to the schedule for just a moment. So, what do we bring back to the Commission? I will give them an update on these last two meetings. Are there any check-ins, moments for us to present to the Commission about where we are at to date or just a verbal update?

Ms. Fiala replied: We could work with you on your blurb. We are going to try to start scheduling some of those Commission workshops. That is something that we could report to the Commission.

We will be engaging with Environmental Justice Coalition for Water and other organizations in the fall. That is something that we could update the full Commission on. We could also report to them the idea of having Commission workshops in early 2019.

Ms. Bennett chimed in: I have one last question for the group. I know that the Coastal Commission is divided by districts, so you have the same people working in the same areas. In our permitting staff they are given permits not geographically but by capacity.

There is not a whole lot of opportunity to build deep relationships because you are doing work in different areas all of the time. I am wondering if you have found that to be good for relationship building in working with some of these organizations having a one-to-one relationship with that district office or with that permit analyst who was working in that same area over time?

Ms. Selvaraj replied: I think in theory that is why we went with the approach of having our staff do outreach in the different districts. It is only one or two people from each district office so not all the analysts working on the different projects are engaging with the local people.

Staff is very familiar with the people in the different districts that engage with them often. It does seem like we are starting to build some relationships in these different districts. The key is how to we keep maintaining them and building on that trust?

It is going to be a balance because there are some things that we may have to approve or that may come before us that may not include all of the different perspectives.

The geographic focus is helpful because we know that district staff usually has some existing relationships with the local tribes.

Commissioner Pemberton added: We do organize our work by region too. We have specific people to handle regions, so they are the main point of contact for everything related to that region. That is beneficial for people to feel that they have someone they know and that they are used to working with to contact.

Chair Alvarado announced: Well thank you all for this helpful meeting. We will see you all at the next Commission meeting.

**5. Public Comment.** No members of the public addressed the Environmental Justice Commissioner Working Group.

**6. Adjournment.** There being no further business, Chair Alvarado adjourned the meeting at 12:32 p.m.