



INFORMATION ITEM

Environmental Justice Issue Paper

Summary: The 2019 Five-Year Review of the Delta Plan (Five-Year Review) identified environmental justice as a key issue for Council focus. The Five-Year Review recommended that staff prepare an issue paper to inform potential future actions to address environmental justice and better serve disadvantaged communities in our pursuit of the coequal goals. This presentation marks the beginning of the effort to develop an Environmental Justice Issue Paper (issue paper). The presentation provides background on the need and purpose for the issue paper, identifies draft objectives and a preliminary scope, and describes the next steps.

BACKGROUND

California was one of the first states to codify environmental justice in statute in 1999.¹ Under state law, environmental justice means, "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." (Gov. Code § 65040.12, subd. (e)). Environmental justice as a concept refers to the disproportionate burden of environmental impacts (such as pollution, land or water contamination, or other hazards) borne by certain communities, and calls for equity in the development and implementation of laws, programs, and policies that affect the environment.

In recent years, the State of California has made environmental justice a priority. Many of the Council's peer state agencies have recently adopted or are in the process of developing environmental justice policies, principles, or guidelines. The Council's Five-Year Review identified environmental justice as a key emerging issue, noting a specific need for more information and analysis to inform potential future actions (p. 4-18).² The Council recommended that an issue paper be prepared, "to investigate the potential need for additional strategies or responses within the Delta Plan to address disadvantaged communities and environmental justice" (p. 4-25).

The Five-Year Review identified three ongoing initiatives as potential starting points to explore the Council's role in acknowledging and addressing environmental

¹ Senate Bill 115 (1999).

² Delta Stewardship Council. (2019). *Five-Year Review of the Delta Plan*. Endorsed by Council on October 24, 2019. Available at: <https://deltacouncil.ca.gov/pdf/council-meeting/meeting-materials/2019-10-24-item-10-attachment-1.pdf>

justice concerns: (1) the Council's Public Participation Plan, (2) the Social Science Task Force, and (3) Delta Adapts. Progress has been made on each of these efforts. The Social Science Task Force issued its final strategy to better support and integrate social sciences in the Delta in April 2020.³ The Public Participation Plan was finalized and endorsed by the Council in June 2020.⁴ Most recently, in January 2021, the Delta Adapts draft Vulnerability Assessment was released for public review.⁵ Each of these efforts identifies explicit links to environmental justice, including the next steps to address environmental justice in future Council work. Staff will draw on the guidance, resources, and findings from each of these initiatives to prepare the recommended issue paper.

PRELIMINARY OBJECTIVES

Drawing upon the Five-Year Review, Public Participation Plan, and Delta Adapts outreach process, staff has developed the following preliminary objectives for the issue paper, as a starting point for further discussion with the Council and community stakeholders:

- Build a network of community leaders and organizations to inform and support the Council's environmental justice work;
- Identify environmental justice issues within the Sacramento-San Joaquin Delta, the Delta watershed, and areas that use Delta water; and
- Identify options to address those issues.

Once the issue paper is complete, implementation options will be presented for Council consideration. Councilmembers will then direct staff regarding options to carry forward.

PRELIMINARY SCOPE

A broad range of environmental justice issues could be identified and evaluated in the issue paper. Similarly, many potential options exist to address those issues.

³ Social Science Task Force. (2020). *A Social Science Strategy for the Sacramento-San Joaquin Delta*. March 2020. Available at <https://deltacouncil.ca.gov/social-science>

⁴ Delta Stewardship Council. (2020). *Public Participation Plan*. Endorsed by Council on June 25, 2020. Available at: <https://deltacouncil.ca.gov/public-participation>

⁵ The Delta Adapts draft Vulnerability Assessment, Appendices, and Technical Memoranda are available at: <https://deltacouncil.ca.gov/delta-plan/climate-change>

The Five-Year Review Environmental Justice Findings, past public comments on Delta Plan amendments, the Public Participation Plan, and ongoing public engagement for Delta Adapts have raised the following range of preliminary issues:

- Representation of Delta communities on Delta decision-making bodies
- Accessibility of Council materials to readers without scientific, legal, or other technical training
- Language access
- Meaningful involvement in Council planning processes
- Compensation to reduce barriers to participation in Council planning processes
- The human right to water (*Wat. Code* § 106.3)
- Waterfront access and access to Delta recreation
- Affordability of flood insurance
- Distribution of levee investments
- Land ownership
- Disproportionate impacts related to cultural resources, water quality, air quality, public health, and other environmental impacts; and
- Disproportionate exposure to climate change threats and disproportionate adaptive capacity to build resilience.

This list is intended to be illustrative, rather than exhaustive. To develop the issue paper, staff will seek broad stakeholder participation and input that could focus or expand the range of potential issues. Council staff intends to prepare the issue paper to respond to issues identified by Councilmembers and the public as the highest priority.

Using this preliminary list of issues, Council staff anticipate that corresponding potential responses could include a range of interventions related to the Council's Public Participation Plan, Delta Plan amendments and implementation, performance measures, research agenda and science funding, procurement, and communications.

PUBLIC ENGAGEMENT PROCESS

The Public Participation Plan, endorsed by the Council in June 2020, lays out specific expectations for the environmental justice issue paper: "The development of the issue paper will include a public engagement process drawing upon the tools outlined in this plan. This process will include an exploration of opportunities to

collaborate with Delta and other community-based organizations (CBOs) to increase outreach to these communities during the development of this issue paper...In addition, to support development of the issue paper...the Council will provide its staff with training in the fundamentals of environmental justice and outreach techniques to disadvantaged communities" (p. 17).

Thus, staff's immediate next steps for the issue Paper are to identify training opportunities for Council staff and develop a robust public engagement process that includes outreach to community-based organizations. As staff time and capacity permits, staff will seek input from community members from urban and rural areas in the Delta region, the Delta watershed, and areas that receive water exports from the Delta. In accordance with the Council's Tribal Consultation Policy,⁶ staff will seek input from tribal governments, regardless of location, whose members have ancestral or cultural ties to the Delta.

The proposed timeline accounts for the ongoing COVID-19 public health crisis, significant uncertainty regarding future opportunities for in-person engagement activities, and the importance of public input on this topic. Over the next six months, staff will identify and notify community-based organizations about the issue paper and design an engagement process that is transparent, inclusive, and reflects stakeholders' values and priorities. Staff will consult with the Social Science Extension Specialist to integrate social science methods into the process, where appropriate, including the potential for participatory data collection throughout the engagement process. A schedule of public engagement activities will be posted to the Council's website and shared with interested stakeholders no later than July 2021.

Staff anticipates carrying out public engagement activities alongside the development of the issue paper, starting in Fall 2021 and concluding in Summer 2022.

INTERAGENCY COORDINATION

Staff is actively coordinating with the Sacramento-San Joaquin Delta Conservancy, Delta Protection Commission, and San Francisco Bay Conservation and Development Commission to make the results consistent with other regional initiatives and actionable across multiple agencies with unique authorities related to the Delta. Staff intends to build upon these related initiatives while developing the public engagement process for the issue paper.

⁶ The Council's Tribal Consultation Policy was signed in 2015, and is available at <https://deltacouncil.ca.gov/public-participation>

In addition, staff intends to leverage the environmental justice findings from completed and ongoing local planning processes. Many communities in California are in the process of amending their general plans to address environmental justice, as required by SB 1000 (Leyva, Chapter 587, Statutes of 2016). The County of Sacramento was the first municipality in the Delta to amend its general plan to add an environmental justice element. Contra Costa County and the Cities of Lathrop, Manteca, Oakley, Pittsburg, and Sacramento are currently in the process of updating their general plans to address environmental justice. Many communities in the Delta watershed and Delta export areas are undertaking similar efforts.

PROPOSED TIMELINE

February 2021	Initial Council presentation, start-up, notifications
July 2021	Finalize preparation of public engagement process
Fall 2021	Initiate public engagement and drafting of issue paper
Spring 2022	Public review draft of issue paper
Summer 2022	Finalize issue paper, Council consideration of options

QUESTIONS FOR COUNCIL DISCUSSION

At today's meeting, staff is seeking input from Councilmembers on the following questions:

- What are your reactions to the preliminary objectives? Are there other objectives we should include?
- What range of environmental justice issues and Council activities (participation, communication, regulation, funding, procurement, etc.) would you like prioritized for evaluation in the issue paper?
- What other organizations and agencies should staff partner with on public engagement?

FISCAL INFORMATION

Not applicable

LIST OF ATTACHMENTS

Attachment 1: Definitions

CONTACT

Jeff Henderson, AICP
Deputy Executive Officer, Planning and Performance
Jeff.Henderson@deltacouncil.ca.gov
Phone: (916) 842-9333

Avery Livengood, AICP, CFM
Senior Environmental Planner
Avery.Livengood@deltacouncil.ca.gov
Phone: (916) 642-9089