



Proposed Bay Plan Amendment No. 2-17 Concerning Environmental Justice and Social Equity

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Coastal Planner

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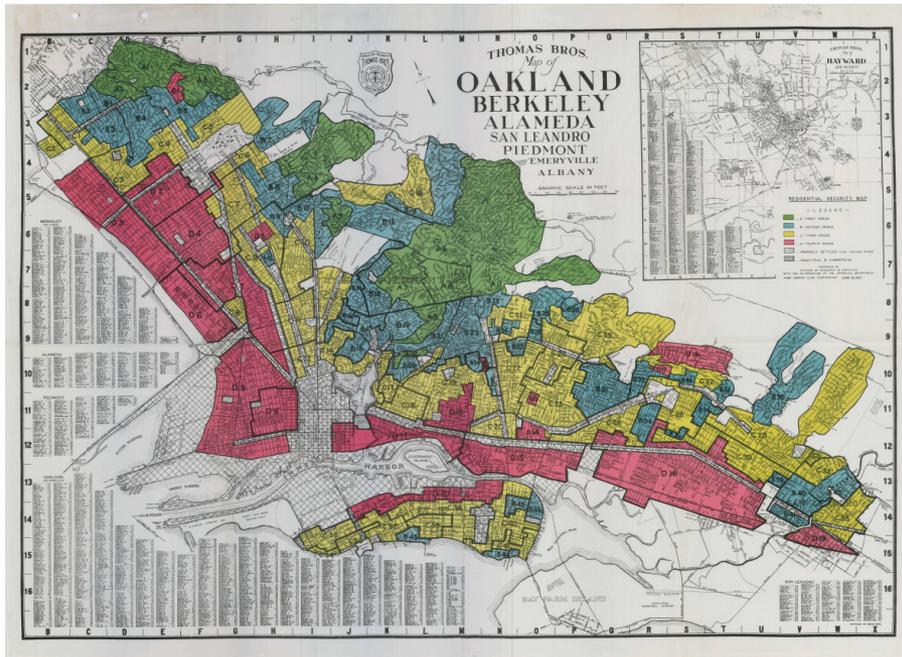
San Francisco Bay Conservation
and Development Commission

Outline

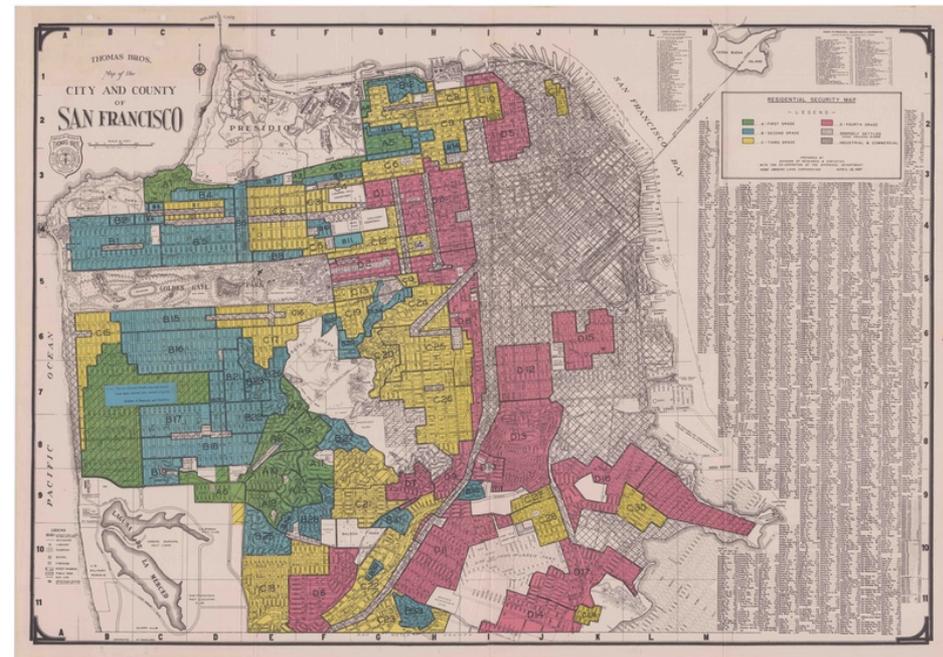
- Staff presentation
 - History and background
 - Amendment process
 - Guiding principles
 - Proposed policy changes
- Public comment
- Commissioner comments

Causes of Environmental Injustice

- Discriminatory public policies lead to persistent poverty, poor public health, inadequate public services, and disproportionate exposure to pollution.
- Racially-based zoning, restrictive covenants, exclusionary lending practices, etc.



Redlined map of the East Bay. Source: KQED



Redlined map of San Francisco. Source: KQED

The Environmental Justice Movement



Protestors of the Proposed PCB landfill in Warren County, NC in 1982. Source: NRDC

Warren County,
North Carolina, 1982



Protestors of the Proposed PCB landfill in Warren County, NC in 1982. Source: CityLab

The Environmental Justice Movement (2)



Summit participants hold a rally at the US Capitol. Source: Reimagine

First National People of Color Leadership Summit, 1991



Dr. Robert Bullard speaking at the Summit. Source: drrobertbullard.com

Institutionalization of EJ



Present Bill Clinton signs Executive Order 12898. Source: NRDC

Executive Order 12898, (Clinton, 1994)



BCDC joins fellow agencies....



CALIFORNIA COASTAL COMMISSION



CalEPA
California Environmental
Protection Agency



California
STATE LANDS
Commission



**BAY AREA AIR QUALITY
MANAGEMENT DISTRICT**



**San Francisco Bay
Restoration Authority**



Environmental Justice

“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.” (Cal Gov’t Code §65040.12(e))

Fair Treatment

“No group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.” (U.S. EPA’s Guidance on Considering Environmental Justice During the Development of a Regulatory Action)

Other Definitions Included

- Social Equity
- Meaningful Involvement
- Disadvantaged Communities
- Vulnerable Communities
- Underrepresented Communities

EJ and social equity at BCDC

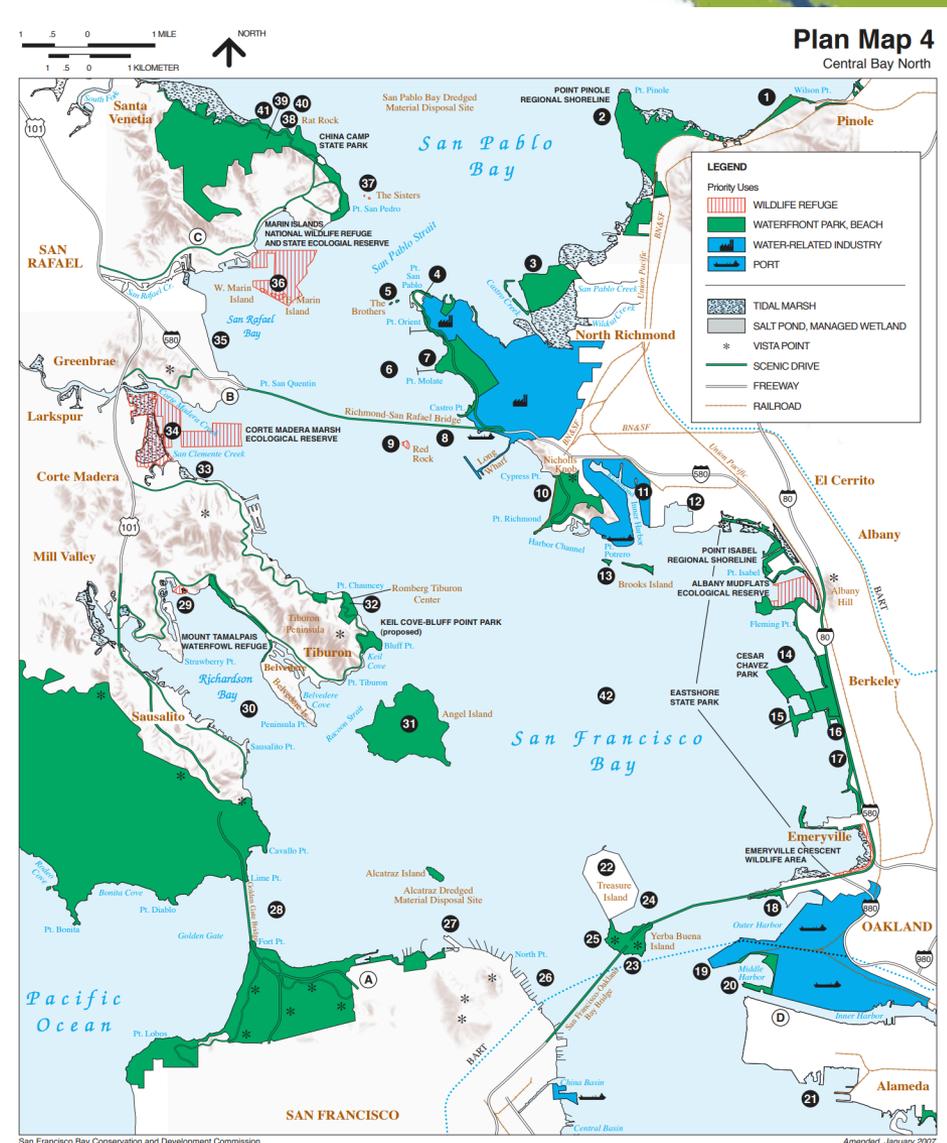
- Existing Bay Plan findings and policies
 - Climate Change Finding n and Policy 6(g)
 - Recreation Policy 1
 - Transportation Finding k
 - Water Quality Policy 2-4
- Adapting to Rising Tides (ART)
 - Regional Community Indicators for Flood Risk
 - Community outreach for ART Bay Area project



BCDC's ART team co-hosts a community workshop in East Palo Alto with Nuestra Casa Source: Jackie Mandoske

Recognition of BCDC's Role

- Permitting of additional development of facilities that emit toxic substances and development that has aided in gentrification and physical or cultural displacement
- Designation of Priority Use Areas (port and water-related industry)



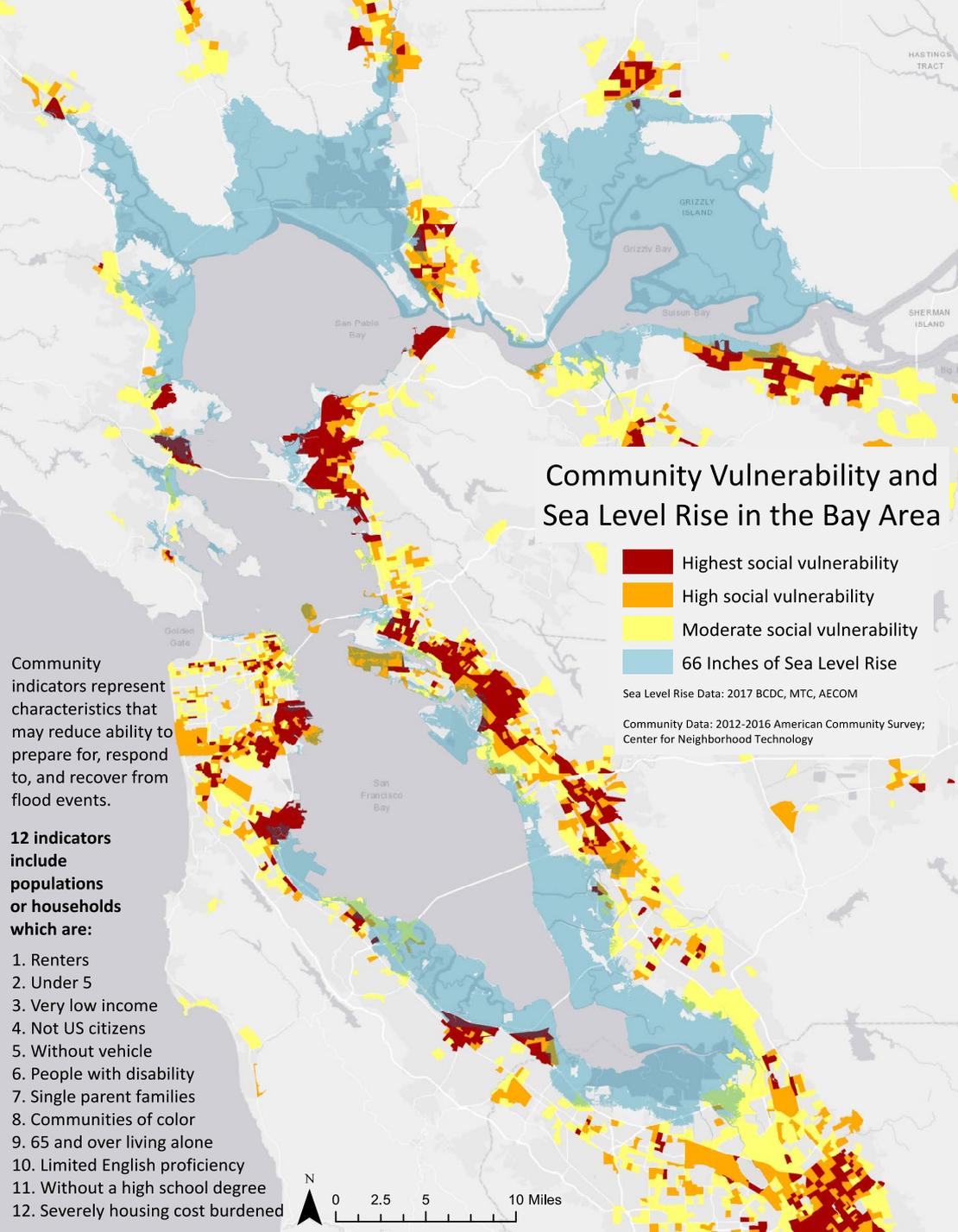
Recognition of BCDC's Role (2)

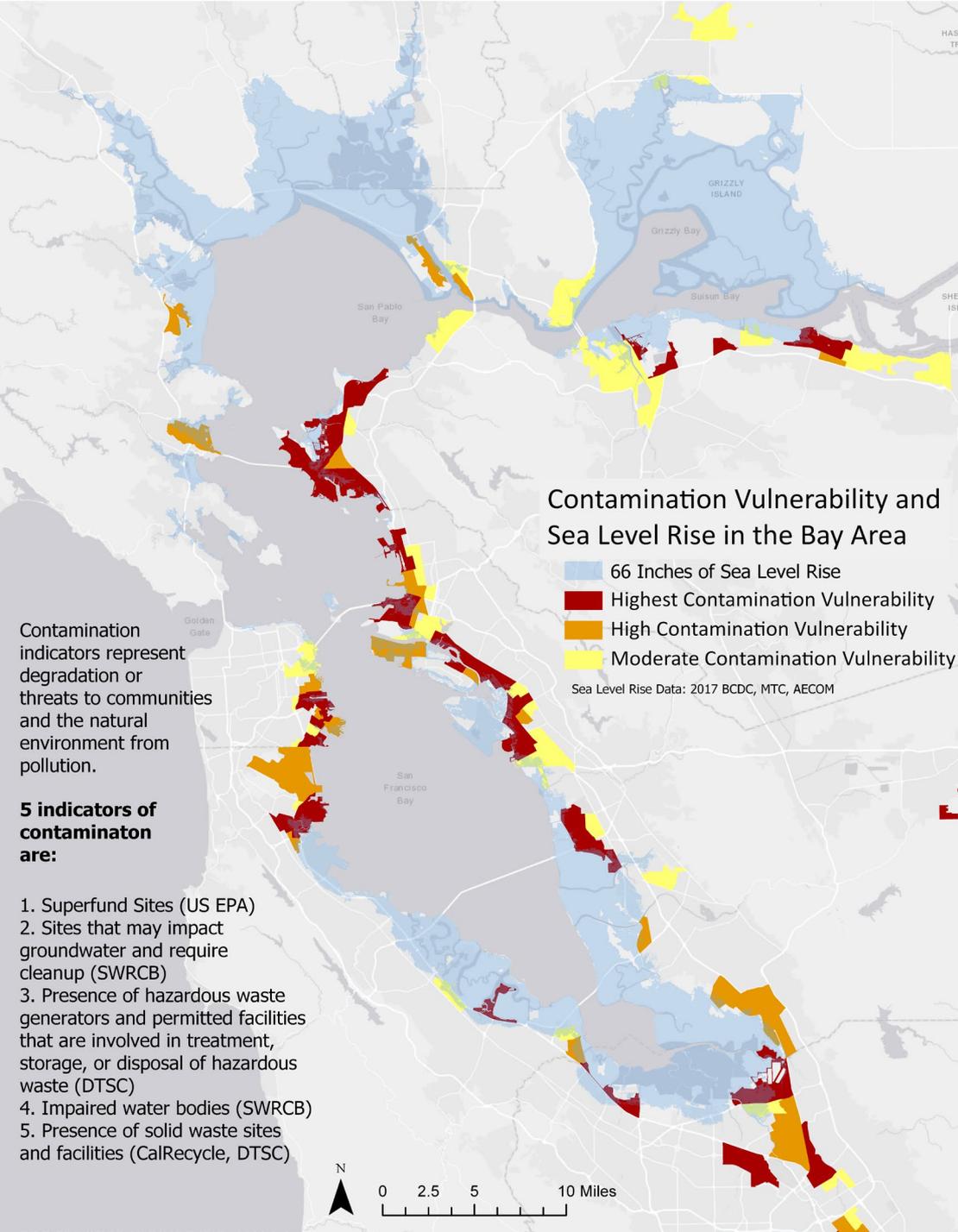
- Lack of resources dedicated to tribal issues
- Meeting access
- No translation or interpretation
- No sustainable, dedicated resources for community involvement

Flooding and Community Vulnerability

Adapting to Rising Tides (ART) Social Vulnerability Indicators:

1. Renters
2. Under 5 years old
3. Very low income
4. Not US citizen
5. Without a vehicle
6. People with disability
7. Single parent families
8. Communities of color
9. 65 years old and over living alone
10. Limited English language proficiency
11. Without a high school degree
12. Severely housing cost burdened





Flooding and Contamination Vulnerability

Adapting to Rising Tides (ART) Contamination Vulnerability Indicators:

1. Superfund sites
2. Sites that impact groundwater and require cleanup
3. Hazardous waste sites
4. Impaired water bodies
5. Solid waste sites

Project Goal of BPA 2-17

Amend the San Francisco Bay Plan to incorporate principles of environmental justice and social equity into the planning, design, and permitting of shoreline projects in and along the San Francisco Bay.

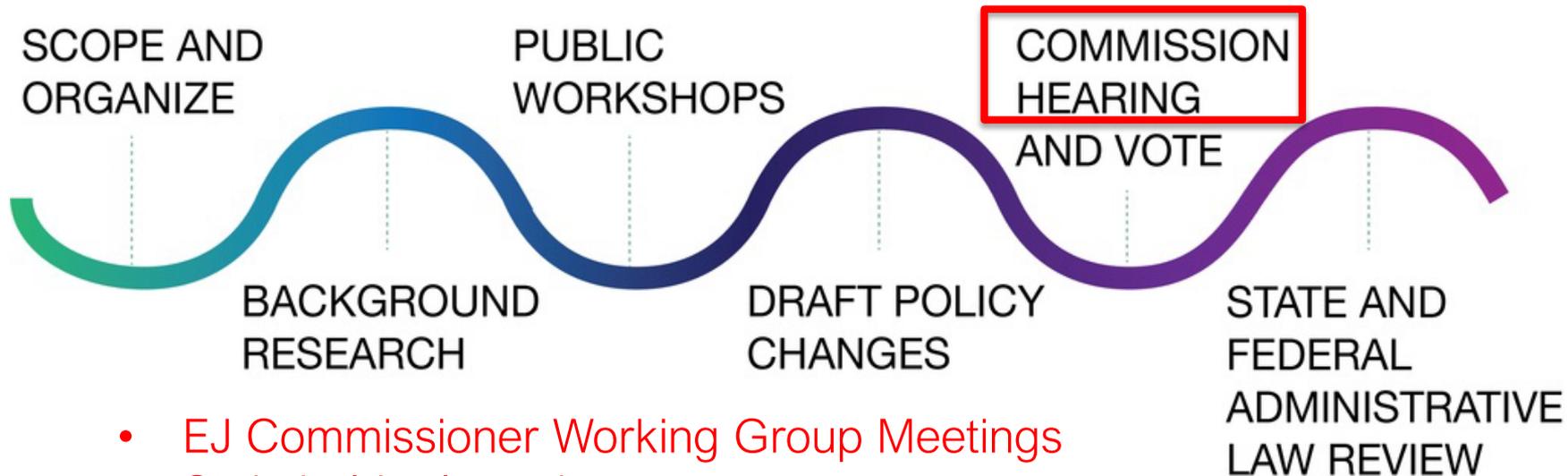
Environmental Justice Bay Plan Amendment Process



June 2018 and January 2019



Initiated
July 20, 2017



- EJ Commissioner Working Group Meetings
- Stakeholder Interviews
- Attending lectures, events, and workshops

EJ Commissioner Working Group and EJ Review Team



BCDC's EJ Commissioner Working Group members, EJ Review Team members, and BCDC staff. Source: Eddie Ahn

Bay Plan Sections Currently Under Consideration for BPA 2-17



- New section on Environmental Justice and Social Equity
- Public Access
- Shoreline Protection
- Mitigation

Guiding Principles

- Will be used to shape all BCDC actions and activities
- Will help integrate environmental justice and social equity into carrying out BCDC's mission
- Informed by engagement, research, and other EJ principles

Guiding Principles (2)

Areas addressed:

- Recognition and acknowledgement of Native American communities
- Commitment to public access
- Building community trust
- Eliminating disproportionate adverse impacts
- Addressing needs of vulnerable shoreline communities
- Collaboration and coordination
- Building programmatic accountability, transparency, and accessibility

Environmental Justice and Social Equity Section

- EJ history
- Recognition of BCDC's role in environmental injustice in the Bay Area
- Definitions and guiding principles
- Community outreach and engagement for certain projects

Environmental Justice and Social Equity Section (2)

- Coordination with local government and other regulatory agencies
- Identify and address disproportionate burdens



Restricted Areas on Treasure Island. Source: KALW

Overlap with CEQA

- CEQA requires project proponents to identify and mitigate significant impacts to the environment
- Unlike NEPA, CEQA does not explicitly require addressing impacts related to EJ or equity
- Staff will comment on projects during CEQA process, but will rely on Bay Plan policy to require consideration of EJ/Social Equity

Public Access Section

- For in-lieu public access that cannot be near the site, create public access in public access-poor communities
- Community involvement in the design of public access spaces and amenities to ensure public access is inclusive and embraces multicultural and indigenous histories and presence

Public Access Section (2)

- Signage should be in the appropriate languages and/or icon-based
- BCDC's design review board should encourage public access accommodates a broad range of activities for people of all races, cultures, ages, income levels, and abilities



India Basin Open Space. Source: Shannon Fiala

Shoreline Protection Section

- Identify and mitigate adverse adjacent impacts
- Community involvement in the development process of certain shoreline protection projects and adaptation measures
- Reaffirm BCDC's commitment to water access in the face of shoreline protection
- Require best available flooding, storm surge and groundwater science in contamination remediation projects



Flooding in San Jose. Source: LA Times

Mitigation Section

- Community involvement in certain mitigation projects
- Consider distribution of benefits



Volunteers at Candlestick State Recreation Area. Source: Literacy for Environmental Justice

Public Comment Issues

- McAteer-Petris Act consistency
- Implementation
- Impacts to project timelines/costs

McAteer-Petris Act Consistency



- Section 66600 – “It is therefore declared to be in the public interest to create a politically-responsible, democratic process by which the San Francisco Bay and its shoreline can be analyzed, planned, and regulated as a unit.”
- Section 66601 – “...uncoordinated, haphazard filling in San Francisco Bay threatens the Bay itself and is therefore inimical to the welfare of both present and future residents of the area surrounding the Bay...”

McAteer-Petris Act Consistency (2)



- Section 66605(a) – “...further filling of the Bay and certain waterways... should be authorized only when public benefits from fill clearly exceed public detriment...”
- Section 66602 – “...existing public access to the shoreline and waters of the San Francisco Bay is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided.”

Implementation

- Training for BCDC staff, applicants, local governments, and communities
- Co-develop guidance documents and webinars
- Increase CEQA responsiveness
- Strive to actively engage communities in BCDC's permitting and planning processes

Impacts to Project Timelines/Costs

- Proposed policies encourage and expect communities to be meaningfully involved from the earliest project stages, prior to the Commission's review
- If projects meaningfully involved communities prior to BCDC's review, they will not need to conduct additional outreach and engagement
- If meaningful community involvement is ensured, projects are more likely to be inclusive and equitable

Public Comment received:

- Port of San Francisco
- San Francisco Estuary Partnership
- EJ Review Team (Greenaction for Health and Environmental Justice, Breakthrough Communities, Shore Up Marin, Nuestra Casa, EcoEquity)
- Bay Area Council, Bay Planning Coalition, Building Industry Assn, East Bay Leadership Council, North Bay Leadership Council, and San Mateo County Economic Development Assn
- Alameda County
- Marin County
- City of Albany



Public Comment



Extra Slides

Social Equity

“The fair, just, and equitable management of all institutions serving the public directly or by contract; the fair, just and equitable distribution of public services and implementation of public policy; and the commitment to promote fairness, justice and equity in the formation of public policy.”

(Governor’s Office of Planning and Research 2017 General Plan Guidelines)

Meaningful Involvement

“(1) people have an opportunity to participate in decisions about activities that may affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) community concerns will be considered in the decision-making process; and (4) decision makers will seek out and facilitate the involvement of those potentially affected.” (U.S. EPA's Guidance on Considering Environmental Justice During the Development of a Regulatory Action)

Disadvantaged Communities

“(a) Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation; and (b) Areas with concentrations of people that are of low-income, high unemployment, low levels of home ownership, high rent burden, sensitive populations, or low levels of educational attainment.” (California Health and Safety Code §39711)

Vulnerable Communities

“Due to historic and ongoing marginalization, social and economic structures influence a person or community’s ability to prepare for, respond to, or recover from a flood event. In the context of environmental justice, very low-income communities and/or communities of color are particularly important, as these demographic factors compound other relevant indicators. Through geographic analysis, areas with high concentrations of households exhibiting factors that can reduce access to or capacity for preparedness and recovery are considered vulnerable. Additionally, contamination indicators are included in measuring vulnerability. These indicators represent degradation or threats to communities and the natural environment from pollution. The presence of contaminated lands and water raises health and environmental justice concerns, which may worsen with flooding from storm surge and sea level rise, as well as associated groundwater level changes.” (BCDC’s Adapting to Rising Rides Program)

Underrepresented Communities



“Those who have been historically and are still systematically excluded from political and policy-making processes, which includes many disadvantaged and vulnerable communities.”