

San Francisco Bay Conservation and Development Commission

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April 25, 2019

TO: Environmental Justice Commissioner Working Group

FROM: Shannon Fiala, Planning Manager (415/352-3665; shannon.fiala@bcdc.ca.gov)
Clesi Bennett, Coastal Planner (415/352-3613; clesi.bennett@bcdc.ca.gov)

SUBJECT: Draft Meeting Summary of April 4, 2019 Environmental Justice Commissioner Working Group Meeting

1. **Roll Call, Introductions, and Approval of Agenda.** The meeting was called to order by Chair Alvarado at the Bay Area Metro Center, 375 Beale Street, Claremont Room, First Floor, San Francisco, California, at 11:09 a.m. Working Group members in attendance included Chair Commissioner Teresa Alvarado, Commissioner Sheri Pemberton (by phone), Commissioner Eddie Ahn, and Commissioner John Vasquez. Staff in attendance included Planning Manager Shannon Fiala, Planner Clesi Bennett, Chief of Federal Consistency and Permits Erik Buehmann, Planning Director Jessica Fain, Permit Analyst Walt Deppe, Permit Analyst Morgan Chow, Coastal Planner Cody Aichele-Rothman, ART Team member Heather Dennis, and Enforcement Analyst Matthew Trujillo. Also in attendance were former Mountain View Commissioner Pat Showalter, Roxanna Franco with Nuestra Casa De East Palo Alto, Vanessa Suarez with Brightline Defense, Sonia Soans with Shore Up Marin, Shore Up Marin Co-Director Terrie Green, Bay Planning Coalition Senior Policy Associate Roman Berenshyteyn, Magdalena Ryor with San Francisco Public Works, Sheridan Noelani Enomoto with Greenaction, Breakthrough Communities Co-Founder Carl Anthony, Breakthrough Communities Co-Founder Paloma Pavel, Julio Garcia with Nuestra Casa De East Palo Alto, and Environmental Justice Coalition for Water Program Manager Nahal Ghoghaie.

MOTION: Commissioner Vasquez moved approval of the Agenda, seconded by Commissioner Ahn. The agenda was approved by voice vote with no objections or abstentions.

2. **Approval of the March 7, 2019 Environmental Justice Commissioner Working Group Meeting Summary.**

MOTION: Commissioner Vasquez moved approval of the March 7, 2019 Meeting Minutes, seconded by Commissioner Ahn. The motion was adopted by a voice vote with no objections or abstentions.

Chair Alvarado announced: I wanted to acknowledge a special guest, Carl Anthony, who is here today. Carl was my inspiration for changing my major and going into environmental studies and then working on environmental justice at NASA-Ames Research Center. It is wonderful to see Carl here. (Applause)

3. **Environmental Justice and Social Equity Bay Plan Amendment Timeline Update.** Ms. Clesi Bennett presented the following: Everything is still on schedule. We are planning to mail

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out the Staff Planning Report with preliminary recommendations as well as an accompanying background report in mid-May.

We plan to give a briefing at the Commission meeting on the 3rd Thursday of May to say that we sent this report out. And then we will have a 60-day, public-comment period and have our first hearing on July 18th.

I am not giving a presentation today. I am going to turn it over to Nahal who is leading the Environmental Justice Review Team.

4. Environmental Justice Team Presentation. Ms. Nahal Ghoghaie addressed the group: Thank you to BCDC and this EJ Working Group for inviting us. I am excited to see the EJ Review Team here. I want to go over the Review Team's project goals and I included BCDC's project goals below. This will be a review of our goals per the scope that we have with RLF.

Developing robust, community recommendations regarding environmental justice, social equity principles and practices for consideration in BCDC's Staff Planning Report regarding the Environmental Justice Bay Plan Amendment is where we will start.

I wanted to mention that we were looking at the same questions that BCDC staff looked at. We put a very strong emphasis on coming from the perspective of the community's concerns.

The outcomes for our work are to foster deeper partnerships with Bay Area community leaders and BCDC. We are also going to develop a public comment letter with the policy recommendations to support and enhance BCDC's Bay Plan Amendment on environmental justice and social equity.

We plan to provide ongoing participation at BCDC's public workshops and meetings.

We looked at the same chapters that BCDC staff did, so I wanted to review those. They are public access, shoreline protection, mitigation, and we got pretty deep into discussing the new EJ and social equity chapter that you are hopefully including in the amendment.

We have 15 recommendations specifically on that. There will be some text-heavy slides coming up.

Sheridan has offered to provide a land acknowledgement and so I will pass it to Sheridan.

Ms. Noelani Enomoto addressed the group: I am Sheridan Noelani Enomoto and I just wanted to take a moment to acknowledge the First People of this land. We are in a village of the Alamu. There were many different nations of Ohlone that are part of the Bay.

Someone mentioned to me that 120 years ago this land was so pristine. I said yes it was and there is a reason for that. I want to acknowledge the First People of this land because they understood the relationships with our environment and still do.

I want to thank them for allowing us to be here on this land. I am grateful that we could gather here to bring what they planted, the seeds before us moving forward in this work and integrating it in our decision making.

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Ms. Ghoghaie continued: Thank you very much for that very important acknowledgement. With that I would like to hand the mic over to Carl Anthony.

Carl you will be setting the stage of communities' priorities and concerns.

Mr. Carl Anthony presented the following: I would begin by saying that we have many diverse communities that are deeply affected by environmental justice. And in the Bay Area, all of the communities make up a population of at least a quarter of the whole population and maybe more depending how we begin to be systematic about embracing environmental justice in all of its dimensions.

I will make a brief comment about the origins of the environmental justice movement. In some ways, it was parallel to establishment of the Bay Conservation and Development Commission.

The actual way that we arrived being concerned about the issues that we are facing in the San Francisco Bay Area is really quite different. By most accounts, the origins of the environmental justice movement was in the early 1980s, some 40 years ago.

The first focus of the environmental justice movement was the siting of a toxic-waste facility in North Carolina. It was basically a protest against the siting of a PCB dump in the communities.

And over the years, starting with the hazardous waste facilities across the country, the environmental justice movement began to expand.

And then there was the publication of the United Church of Christ which focused on hazardous waste facilities in communities and they did an investigation of all the causes that led to the siting of these hazardous waste facilities.

And they looked at communities where they were located and looked at the educational level, the home ownership patterns, the school facilities in those neighborhoods and they found that the most dominant indicator of the location of hazardous waste facilities was race.

They simply looked at the address and then looked at where they were located and they saw that.

So with that concern the environmental justice movement then had a meeting of about 600 people from across the country starting with the indigenous people and including other communities of color, the Asian American community, the Latino community, the African American community and began to ask the question of what was environmental justice.

From that grew a set of principles. There were 17 principles that were outlined in that program. And then from that, the environmental justice movement began to expand and it covered many topics beyond hazardous waste but the hazardous waste and the toxic pollution were the beginning of this environmental justice movement.

It came to the Bay Area during that first decade and has been growing in the Bay Area for about 35 to 40 years.

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One of the things that we need to understand is that the environmental justice movement has grown out of the concerns of neighborhoods and communities about the situation in those communities. And it is a kind of leap for many of these communities to be concerned with the generalized implications of how environmental justice or protecting of the Bay and the surrounding area and establishment of the 100-foot ribbon around the Bay in which BCDC has its legal authority to discuss or to determine if permits will be allowed for dumping and various other activities that people have been concerned with.

The most important thing to realize is that at the heart of the environmental justice movement has been the struggle of communities. And these communities have generally identified as environmental justice communities and activities that are focused on the health and safety of those neighborhoods and communities – the protection of property, the expansion of opportunities for people in those communities, the issues of transportation and access to various facilities throughout the region and this kind of focus on community-level priorities has actually determined the agenda largely in response to conditions that have actually been generated by people outside of the communities and they basically have focused on addressing the health and the safety and the loss of property and related activities.

So in the context of our current work, in the environmental justice movement, there has been a growing concern in communities of color about the potential implications of sea level rise as a way of coping with the great transformation that is happening all over the world with the expansion of the oceans and the heating up of the planet.

There were two dimensions that sort of paralleled the growing awareness within the communities that are most disadvantaged to address environmental problems.

In a sense, we are looking at environmental problems that relate to sea level rise which is to a large extent outside of the boundaries that have been established by the ribbon of space on both sides of the Bay.

So it is really important to keep that perspective because in a way it is a big step to set over the issues that surround those communities to get into understanding and articulating the issues of that particular ribbon that extends around the Bay.

So I think that is probably a good place to stop and I will turn it over to the next person.

Ms. Ghoghaie continued: Thank you, Carl. So with that, after getting that perspective of what the communities' concerns are and understanding it is more about survival and it has been even before the sea level rise topic came up, that is what it was about.

And so those are in the forefront of our minds as we present these amendment recommendations. I will go through the recommendations according to where we believe the chapters are that they would fit into but I know that this is kind of BCDC staff's job to really determine where they should go. So this was our best attempt based on our understanding of the main goals of the chapters. This is the overview of what we used to understand the public access chapter.

Here are some of our amendments. I am going to pass it to Julio to read over these and share a little bit about how they impact his community and what he has heard from his community about these specific scenarios.

Mr. Julio Garcia addressed the group: The first one that we are looking at is public access. Amenities shall include elements and signs, signatures that embrace natural and indigenous, multi-cultural history and they should also multi-lingual based on primary language.

We need access but we need signs to say English, Spanish. In San Mateo County we had a threshold language which is Spanish, Tagalog and Mandarin. So, we need signs all around to say, "you are welcome to be here."

You need to take care of your community and also the history to protect and start creating new relationships with the community.

The next one is programming of public information with an emphasis on K through 12 local public school programs. There are existing programs in the schools that talk about the environment and they get the kids involved.

I know that we are in an environmental crisis right now, but we need our youth to embrace environment, embrace environmental justice. And we need to do it through education. Schools don't provide that education. Our communities have to take care of educating our kids about the environment, especially in the communities around the Bay.

We see very few programs in the schools that emphasize taking care of our lands. These need to be done in the schools with our youth.

So we need to start educating our kids in what environmental justice is. And we need partnerships with community organizations. Nuestra Casa has a great partnership with BCDC and we have been working together to clarify some of the language and make it easier in English and in Spanish.

We use terminology that is outside of our community. Our communities need to understand and embrace not only environmental justice but understand the language that we use.

Ms. Ghoghaie continued: I want to ask Terrie Green to elaborate on the next two amendments for public access.

Ms. Green addressed the Committee: When we look at public access we are talking about improved access. We are really talking about convenience. We are talking about accessibility for everyone. This would include things like public transit, bike paths you name it.

So we have to look at the routes that are convenient and that are safe and that are well maintained. But when we look at that, we also want to look at issues around the job training and employment opportunities.

We want to make sure we are encouraging folks to be able to have regular access and particularly to folks that live in the under-served areas.

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The other piece to this is a piece that deals with environmental justice and equity criteria in the Design Review Board's project design scoring assessment.

I want to add to that is making sure that we have residents, community members that are on this Design Review Team because this is a decision-making body.

So when we take a look at the fact that the Design Review Board or an advisory board to any city, to any county for the purpose of reviewing and formulating recommendations on all design matters for new construction, additions and renovations we have to look at that.

There is a young lady in Los Angeles that talks about this in terms of urban planning. She says it is important because it offers marginalized communities an opportunity to participate in the planning processes, particularly members of vulnerable populations who historically have been subject to inequalities caused by planning.

So we are trying to change all of that. And when it comes to community planning, when it comes to the environmental justice principles, it is really important that we have a diversity of voices at the table.

I have had an opportunity to really do some research and when we take a look at several communities we don't have that input. We don't have the voice at the table when the final decisions are being made. And that is something that is very important when we talk about environmental justice.

In Marin County, the cities and some of the other incorporated areas have a design review team. We are just coming to that knowledge and so that is what we are doing in the Marin City Community Services District. I sit on the board and we are looking at having a voice at that table because it is based on whatever your community plan is.

So when you talk about the community plans and how important they are versus sometimes what the decision-making bodies do – it is two different things. So we have to have a voice at the table. We have to have input at the table.

So this is a new area I am becoming knowledgeable in. And the Marin City Community Services District is saying we want to have a community design review team as well.

Commissioner Vasquez commented: What you are saying is so natural and it should be so intuitive that the amenities should reflect the community that they are serving.

Why wouldn't the community have a say in what those look like so that they have a stake? They would have a planning stake and design and a physical stake so that it turns out the way they envision it should be serving the community.

Ms. Green added: Logical thinking. (Laughter) I totally agree.

Ms. Ghoghaie stated: Yes we totally agree with you John. So that is it for the public access and we are going to jump into the shoreline protection chapter. This is the general idea of what we were using to come up with the amendments for the chapter and it is a quote straight out of the current Bay Plan.

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Sheridan will lead us through and guide us through the shoreline protection amendments.

Ms. Enomoto presented the following: Thank you Carl for mentioning that when we make certain decisions and we place certain facilities or different things in a community there is racism. And unfortunately not all communities have an equitable part in the decision-making process or access to information.

But when we talk about shoreline protection amendments, it is important. I will go over them and then I will give an example of how important this is.

So assessment of impacts to shoreline protection projects with the goal of mitigating unintended consequences particularly to adjacent shoreline disadvantaged communities. Require assessment of historic use of lands including community-based understanding and insight.

And also when development occurs on contaminated lands require assessment of potential for mobilization of contaminants due to flooding and sea level rise including mandatory depth requirements of soil analysis.

I do want to mention that BCDC is definitely an agency that is at the head right now when it comes to really talking about guidance for sea level rise in different projects that come to you. And I want to commend you for having that as part of your process.

And not only that but really understanding that communities have knowledge and wisdom. There are certain insights that communities have that often get dismissed or overlooked. Who better knows their house than the people that actually live there and have been living there?

A lot of people come with ideas and projects with good intentions to want to improve the lands or access or the shoreline but they don't really know who they are coming to with their good ideas. It is almost like having a guest at your house and they come by and say – hey, we have this great idea. We are going to expand your house and we are going to put some greens back there and a garden in your back yard. And isn't that a great idea? We're going to come in tomorrow. (Laughter)

Commissioner Vasquez joked: It sounds like a robo call. (More laughter)

Ms. Enomoto continued: Sorry – who are you? And what? Who are you at my house? And so we have to start thinking that many of us are guests in many places and people come with great ideas but they are also guests often. It would be nice if communities came and said, we have these great ideas and we would love for you to work with us.

That would be ideal in environmental justice. That is actually a forefront that communities speak for themselves and these are decisions affecting their lives.

So what we do makes a huge impact and it really does matter. Communities are affected differently. So when it comes to the shoreline, people are already accessing the shoreline. We want to improve that, but when we are dealing with the elephant in the room

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which is contamination in the Bay, the legacy and results of those experiments or the idea of when we didn't think about the water we were just using it as a dumping ground; but also now we have to deal with the reality of superfund sites among the shoreline – incredibly hazardous, contaminated sites.

In southeast San Francisco we have Bayview and Hunter's Point Shipyard. That is not the only place. We also have to talk about Treasure Island that sits in the middle of the Bay that often gets overlooked and it becomes a great example of how a lot of communities are invisible just like that island.

We don't talk about our islands in the Bay. But we should be talking about them. They are probably going to be the most impacted by sea level or water level rise.

And specifically not only just the location of these communities and the ratio of contamination but the shoreline communities – the communities that are there in low income, subsidized housing.

You know we have this affordable housing and we have these housing crises and we want to create that but then, why is it that we allow affordable housing on contaminated lands? And who ends up living in those places? And now we are dealing with that crisis.

Those relationships between the shoreline, contamination, and communities are crucial. And we have to start thinking about what does that mean?

And then on the other side of that, do we leave contamination on the waterfront? We have information now and is that a good idea? We are still experimenting with capping and leaving things in place. Is that a good idea?

And then again, who was first impacted by that? So, something that I have learned in this work is that the frontline is also the shoreline. And that is where we are dealing with shoreline communities as well as frontline communities.

And who makes up those communities? It is typically people of color. We will talk about what makes a community disadvantaged. BCDC already has a lot of this information and the wisdom and insight that came from that.

I want to point out that it is not equal. We need to start thinking in a way to change that into a more equitable way. When it comes to shorelines, we need to rethink the shorelines.

Ms. Ghoghaie stated: So those are the three recommendations that we thought fit into the shoreline protection chapter.

I am going to move on to the mitigation chapter.

Commissioner Ahn had a question: I had a question on the disadvantaged communities portion. The way it is framed when it refers to CalEnviroScreen in particular – currently the state Legislature is starting to incorporate a much broader definition of these communities.

CalEnviroScreen does a lot of good work but it is not comprehensive. That is something to consider.

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Ms. Ghoghaie stated: Thank you for pointing that out. On our run-through call when we went over this, Paloma actually pointed that out as well. Why are we using the term disadvantaged communities?

Do we need to be using that term? I don't know but I think that were debating is it going to be disadvantaged or is it going to be vulnerable? I know that in your Bay Plan it already says vulnerable.

We were not sure which is most accurate. It is a very vague concept right now as far as policy language goes. BCDC has indicators like in the OLU profiles that we were looking at. Those indicators are great. Maybe BCDC will come up with a term that you feel more comfortable with.

Because disadvantage communities mostly refers to economics. And so in the Bay Area it is not granular enough to really reflect where those communities are.

I feel like that we are not attached to that term. We are happy to work with BCDC on how you want to highlight specific, vulnerable or under-represented or marginalized or whatever the word is – people who have not been treated equally let's say.

Mr. Garcia commented: I think part of the conversation was about that word. I don't feel like we are disadvantaged maybe underrepresented communities because we are not at the table.

We are resilient communities. We work hard. We live where we live. So we are people of color. And "disadvantaged" is a conversation that has to happen in our communities to come up with something a little better.

Chair Alvarado added: It feels like calling us minority or something.

Ms. Ghoghaie stated: Something that I try to do but get stuck in the jargon – I try to speak to people first. Communities that have previously experienced a legacy of disadvantages need to be listened to.

It is not just a matter of saying they are disadvantaged but they have been subjugated to inequity through the decades.

These are the concepts we took from the Bay Plan as our guiding to come up with some amendments for the chapter on mitigation. I am going to pass it back to Julio to walk us through some of our recommendations.

Mr. Garcia spoke: So, how can we engage the local community in designing mitigation projects? For me it is a long-term relationship. It is not just about going and doing a little project, but just getting the community involved and getting us motivated to do the work that we do.

We have created relationships with BCDC and other involved agencies that will hopefully last a long time. I would like to have my community involved in these meetings but how can I arrange transportation for 50 or 60 people?

Or maybe we could provide a community location and BCDC meetings can happen in San Mateo County. But creating long-term relationships is important.

Mitigation projects should be taken to the community to get feedback on what they need and want. I mean take the meetings to the community because we are there and we are involved.

Welcome to my house and I need to open the door for you. We need to start talking and opening the doors of the community.

The first one is require mitigation for social and community impacts.

Ms. Ghoghaie continued: I was going to pass it to Paloma to go over the last two mitigation amendments. Thank you Julio.

Ms. Pavel addressed the Committee: I am so thrilled that this is happening. The fact that we are here together in breaking new ground. It is beginning to embody the world that we are wanting and longing for.

EJ/equity and community involvement in all stages of all BCDC projects. We have been talking about mitigation, historical land-use assessments, public access design guidelines et cetera.

And secondly create mechanisms that support flooding and sea level rise protections for vulnerable communities as part of mitigation.

I would like to amplify on those a little bit. I wanted to share that when we do this we actually have success. I wanted to point to a success that many of us have been a part of which was under SB 375 when communities asked to put forward a community-based transportation model for the future. They asked to have it put alongside the agency-developed plan and business-developed plan.

So the board finally agreed. And it took three months to evaluate all of the plans as to which would be most cost effective but reduce greenhouse gas emissions the most.

And it turned out that the plan that was most successful was the community-developed plan. The intelligence and wisdom that each of us has been talking about is in communities. It is not just a process or procedure to slow things down, it is actually a way to link arms and have a better result.

We do have the expression that if we are not at the table, we are on the menu. And we are calling for a different vision where we actually are at the table together, and that we actually produce a better result together.

We know that the regulations and the capacity that BCDC has to regulate is very powerful. We want that brought to bear on mitigation. We also know that regulation is not enough. We are actually calling for this bigger transformation of a vision of how we work together.

And we are hoping that this is coming across and I have a poem that I would like to share with the group.

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What this is would be not to step away from the regulation because that is very necessary to point to the larger vision that we need to do because regulation will never be enough to get through what we need to get through to face the crisis we are in.

In this process we are asking for a reciprocity that builds a village, that builds a dream, that builds a world. For we are kin and kin means, I need you and you need me and the sun and the water and the soil. This is born of all things. I want you to ask me for help. I want you to ask because asking in the kind of boldness we need now. Tell me what you want and I come a little closer to you and we dance. It is not the yes or the no but the asking that rocks the world to a new rhythm. And the ticky-tacky of our houses and lives begins to crumble. The walls fall down and we discover that we need each other all the more. Help me not only to fix but to feel the heart and to build a future not only to trade but to till the soil of our intervene that is all that has ever been. There is a reciprocal rhythm. It is that dance we are calling for. And it is not in 4/4 time for it doesn't follow straight lines. It is a wild rhythm where I help you, you help me, we help each other, we get to stop and discover this new world we want to build that we all can love. There is a reciprocal rhythm and it is not in 4/4 time. So we are here not only to ask for regulations but to ask for a new dance, a new way of being together.

This is from Toni Spencer and she is part of a group called Extinction Rebellion. If you go online there is a video called Deep Adaptation and she has been part of a community process that is a multi-racial process going across the world.

Ms. Ghoghaie continued: Thank you Paloma, that was beautiful. I am going to give an overview because we didn't have guidance on the EJ and equity chapter the way we did with the other chapters because it doesn't exist yet.

This is just kind of our dream list of what the chapter should include. We limited it to just four points. But in our conversation we came up with a longer list of general recommendations for this chapter. And we even discussed the idea of supporting the drafting of that chapter in some way.

I will go over them for you. I think a lot of these are things that Clesi and the team are already considering as ways to build the chapter. I want to emphasize that it would be great if it provides EJ and equity-specific definitions as a starting just like going through mutually-agreed-upon definitions.

And then clarifying the role of EJ and equity in BCDC policies and general processes. And to provide a refresher on the criteria that BCDC uses to indicate vulnerable communities. So that kind of fits into the definition.

And finally having the room available to provide general recommendations that are not necessarily specific to a policy. So for example, issues that are beyond the 100-foot band.

Commissioner Vasquez asked: More like what the intent of the document is supposed to do? For us to look beyond just our own meets and bounds?

Ms. Ghoghaie replied: Yes, I think so. It is to capture what Paloma just shared with us. I learned from Sheri yesterday the policy work that they have done is more pervasive with their

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EJ policy at the State Lands Commission. The whole Commission is hoping to embody environmental justice and equity and not just say this is how we are going to do it with policy and permitting. Right now, it is very pragmatic.

Commissioner Vasquez stated: We have done a really good job of creating silos. The problem is we need doorways in between a pathway so that this is what I work on but I can also reach out to the next silo and say how does this affect you?

Ms. Ghoghaie agreed: Yes – exactly; that is a great way of thinking.

Ms. Enomoto stated: Nature doesn't work that way, so why do we make decisions that way?

Commissioner Vasquez continued: It is easy for us to stay within that confinement for the same reasons there are lines down the freeway.

Ms. Ghoghaie stated: And that is something that Paloma's points – the second bullet in the mitigation chapter we kept it in the mitigation chapter because that is what we saw in the spreadsheet from the January workshop as how the BCDC team plugged that recommendation into mitigation.

That is why in parenthesis we said all BCDC processes. It is kind of harking to the way you all are outlining the recommendations from the January meeting but then saying why is this only in mitigation? This should be in all of the chapters.

The EJ and social equity chapter is pretty dense right now because we are really excited that you are going to develop this chapter and we want to help provide as much guidance as possible.

I am going to quickly read through these in case some of you all are auditory learners. And then after I read through this slide, I will ask Carl to chime in and elaborate from his perspective keeping an eye on the time because it is 12:00 so I don't want to use the entire 30 minutes.

The first is to encourage consistent and early meaningful engagement focused on communities of color. To have community engagement as a requirement for the permit or in the application.

So for projects near EJ communities the applicant needs to provide information on how a project will affect the communities and how they will engage the community.

The third is EJ/equity and community involvement in all stages of all BCDC projects. And we would be able to help with the implementation of that if you need guidance.

The next one is strengthening BCDC's collaboration and leadership on how to work with environmental justice communities on permits from departments and agencies in charge of earlier stages of permitting.

So as we understand, BCDC's is the last agency in a list of five to who knows how many different agencies before. So finding a way to develop collaborative models with those other

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agencies. And also ensuring that there is a way that the community as a part of that process to promote communities ability to hold those agencies accountable.

And then the last one on this slide is the recognition of government's historic role in perpetuating racism, environmental injustice, and inequity. It is a statement on BCDC's efforts to comply with the state and federal civil rights laws.

So we are not sure how possible it is to implement that into your Bay Plan but these are the top priorities that we have.

Mr. Anthony spoke: It is a very interesting discussion and as it has evolved, we have to continue asking where do we begin?

I spoke about the history of the environmental justice movement as being about 40 years old – so we could begin there.

In all truthfulness we have to begin with the first people. We have to begin with the people who were here when the Europeans first showed up here.

We had a set of experiences and we are trying to be nice about this. We have had experiences of various communities of color who have been displaced and we are now in the middle of another round of displacement that is happening.

We have to think about restoring our relationship to the land from the very beginning. And that means that we have to understand what is the evolution of the indigenous and Native American community and who replaced the Native Americans? Who came afterwards? And we need to understand how each phase interacts with that.

I want to mention that we had the Mexican American and Spanish American settlement which displaced much of the original inhabitants here. And the First People came to the water's edge. So it is not really starting with BCDC. It is starting with the first understanding of our relationship to the land and the water.

And BCDC is a celebration of understanding that we are talking about the first reality that people have had in this place.

And then we've had the African American community which was brought here in chains so were displaced from the original population that came from Africa. And we were then subordinated to a certain kind of role during the period of slavery and upward.

And even as we talk today we have Asian Americans who helped to build the railroads and who helped with the Gold Rush and occupied many of these communities and they were displaced. So we have to be thinking about restoring and healing our relationship as we go forward.

We need to begin with the beginning and consciously nurture the seeds of human settlement that goes back to the beginning before the Europeans came and afterwards.

Now the thing we need to recognize at this moment the people that we are talking about as disadvantaged, we are trying to find a nice way to speak about them – us; but the issue of who is actually vulnerable at the present time with the new phases of climate

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adjustment, adaptation, and global warming is important. And climate justice is really emerging from a simple definition.

The people who are the least responsible for creating this catastrophe across the whole planet are paradoxically the people who actually end up bearing most of the burden of climate change.

And we saw such a graphic illustration of this in Katrina. That the people who couldn't afford an automobile, couldn't afford a hotel, did not have some island or some other place to go to ended up being displaced from the places that they were.

And this thread goes back to the very origin of this nation – even before the nation. I want to mention that when the Europeans first came they encountered the Native people and displaced the Native people and in a surprise settlement that happened in New York City, which wasn't New York it was New Amsterdam, they had a wonderful settlement that was actually turned into a dumping ground in that particular region. And eventually it became the burial ground of African Americans in Manhattan.

And that burial ground was only discovered in the last couple of decades and it had been there for 300 years.

I mention that because the history of how we have gotten to be so – having such a difficult time figuring out our place is because we have been erasing people for the last 200 to 300 years in this country.

So as we think about environmental justice we have to think about restoring the relationship that people have had with the land and to their place and the celebration of the edge of the water where it needs to land is actually a place where we can think about the actual beginnings of a new creation of environmental and climate justice.

So I think we need to really kind of put that in the perspective.

Ms. Ghoghaie continued: Thank you, Carl. I am going to review the last five EJ and social equity chapter amendments/recommendations.

So those are to have buffer zone around frontline communities to prevent polluting land uses and protect public health. When you highlight those vulnerable communities, I am not sure what the nearest jurisdiction around this issue is, but to see if there is a way to create buffer zones to prevent increased cumulative impacts.

And also to add EJ groups and communities to interested parties lists for projects. To have a regional priority list developed with communities of mitigation that benefits communities. To make vulnerable communities a higher priority in the priority development area and priority conservation area maps.

And finally the BCDC EJ Working Group should work with an EJ representative or EJ review team on developing or refining an equity checklist that can be used in the permitting process to evaluate impacts of proposed projects on EJ communities.

That is pretty much all we have for the amendments. Carl was there anything burning that you wanted to add or should we move on?

Mr. Anthony replied: I think that captures the reality of what we are really trying to deal with but as we look at the ring around the Bay of 100 feet it is really an important process of BCDC talking the talk and walking the walk. But before it really can provide the leadership of the whole Bay Area, it is really important that we show that the decisions that are being made in the regulatory process that exists is really in itself involved in the process that will actually repair some of the damage that has been done.

The point that we need to mention is that as the sea level rises it goes way beyond that 100 foot barrier and really contests so much of our framework of the way property has been developed in the Bay Area.

There is an agreement that the cities and their regulatory process controls up to this 100 foot band and right now we don't know who is going be responsible for destroying or changing the regulations when sea level rise comes in because the people who will be displaced are the poor people who are living in flatlands of the Bay Area who will have to be – we will have to figure out what is going to happen to them.

I want us to keep flexible understanding that we are beginning this process looking at this 100 foot limit. But we need to be thinking about, what is going to happen if and when the ocean begins to rise and reclaim part of the land. Whose land is it taking away? And how is this land going to be replaced? Is this purely a benefit for the gentrified populations that have enough money and resources to come back in and clean up the people of color neighborhoods or are we going to find a process that can be fair to all of the people?

Commissioner Vasquez had a question: I was going to ask the MTC and ABAG are going through the CASA process; are you going to be making comments during that process too? They will be looking at Number 9, the priority areas.

Ms. Ghoghaie answered: I haven't been a part of that conversation. I haven't been invited. It is hard to keep track of all of the different processes. So thanks for letting me know and letting us all know.

Commissioner Vasquez added: The first meeting is tomorrow here at 11:00. (Laughter)

Ms. Ghoghaie replied: Maybe we can get a group to go that.

Ms. Dennis had a question: I have a clarifying question on Number 9. Is that referencing the ART work on priority development areas? Is it referencing the Metropolitan Transportation Commission and development of those areas? Or is that actually referencing priority use areas in the Bay Plan?

Ms. Ghoghaie replied: So when we came up with this recommendation we were specifically looking at the OLU profiles.

Ms. Dennis stated: So, it is Adapting to Rising Tides reference.

Ms. Ghoghaie answered: Yes and it is in general just an important point to us. It doesn't matter where it is implemented necessarily because it points to the fact that EJ communities around the Bay are the ones that are going to be most likely impacted by projects.

And those that are next to priority development areas in ports and water-related industries, it is just saying when you explore these priority development areas to keep an extra eye on the projects that are going to impact adjacent EJ communities.

And we are happy to explore how that looks and what we actually mean. We may create details of what it means as the project progresses.

Commissioner Vasquez noted: Just don't forget us. When you are looking at that, this is what you are saying.

Ms. Ghoghaie agreed: Yes, right – exactly.

Mr. Anthony commented: I want to say that all the priority development areas that were established in SB 375 throughout the whole region did not take into account sea level rise at that point.

And it is now beginning to take into account this sea level rise. But all of that will need to be adjusted. And the question is, can we create a participation process that actually honors nature and the expansion of the ocean at the same time that we are also understanding that we are dealing with expansion of the human community to incorporate many of those groups and populations that have been marginalized and now are seeking to be heard and to be able to shape things.

So it is a delicate process. We have to honor the best that exists in the last 100 to 200 years of development, but also realize that the new population is also demanding their rights.

As Paloma said, if we are not at the table, we are on the menu. And our communities will be sacrificed as they are at this very moment with gentrification and displacement.

The population of San Francisco has gone from about 20 percent of the population of African Americans down to three percent in the last couple of decades.

So we are seeing that process throughout the whole Bay Area. And this is what we have to help to create a force that is so powerful that it can include the waves of population that are becoming part of our community.

Chair Alvarado commented: I think the Commissioners on the Committee and those who have been actively involved with this appreciate the breadth and the history and the context with which we are having this conversation at BCDC. And understand that formalizing an approach and showing tangible leadership is meaningful. And it will make a statement to other jurisdictions.

Carl you referenced the First National People of Color Environmental Leadership Summit in 1991 where they produced the 17 environmental justice principles – that really showed the way for many communities to put words to what they were feeling and what expectations they would have about their communities and Executive Order 12898 signed by President Clinton in

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1994 further made a huge statement and sent ripples throughout the federal government but also other agencies and has had real impacts on communities throughout the country.

So I understand that BCDC is out front in some ways on this work. And we want to be as expansive as possible but we have to have a conversation and recognize what is BCDC's jurisdiction, what is the scope of our potential role in this first Bay Plan Amendment? We will have other Bay Plan Amendment opportunities. What is the data that is available to us now versus what do we think we need to work on over time? And then what are the processes that we can integrate into now versus over time?

So this is really an important beginning to a collaboration that is not going to end with this first Bay Plan Amendment.

Ms. Fiala stated: I wanted to echo your sentiments Teresa. We really appreciate this input and it is coming at a really valuable time. We are still working on refining the Staff Report and we will try as best as we can to integrate these recommendations.

Ms. Ghoghaie reiterated: As I mentioned we are providing ongoing support. So we are writing this letter which we are hoping to submit to you all as you develop your final Staff Planning Report.

I am hoping to get it to you the week of April 22nd after the groups has looked over it.

But beyond the letter, everyone else is still available and I will still be available to provide guidance if you have any questions that come up as you start implementing it.

Ms. Pavel stated: We want to recognize that this is a historic moment. This document that you are creating is meaningful here in the Bay Area. It is also meaningful among other jurisdictions in California and throughout the country.

You have a real responsibility of leadership with many eyes looking on you and we are thrilled that you are doing this. I wanted to also mention that when the state of California Governor's Office of Planning and Research created the Climate Justice White Paper for the Summit this last September they were under similar constraints of legal obligation regarding the content of their report. But what they did was they offered the opportunity for the community to author a forward that went before that and it was actually exempt from the peer review and legal constraints of the document itself.

So that is a way that you can actually include some aspirational goals without compromising your own legal obligations. It is for your consideration.

Chair Alvarado continued: I want to move quickly to public comment. Is there anyone here that would like to make public comment on some item not on the agenda? (No public comment was given)

Ms. Bennett presented the following: I was going to give you a brief recap of yesterday. Yesterday, I presented along with Nahal and Sheri from State Lands and Sumi Salvaraj from the Coastal Commission on EJ efforts in coastal planning and coastal management. We were at the SPUR Oakland office and a big thanks to Shannon who organized the panel and was able to get

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us on the agenda. It was good and we had a really good turnout. There were a lot of different people there from different backgrounds. People seemed really interested and asked some good questions.

It is great to hear from State Lands and the Coastal Commission about how the implementation of their policies are going since they are one month and three months into implementation now.

5. **Public Comment.** No public comment was received.
6. **Adjournment.** There being no further business, Chair Alvarado adjourned the meeting at 12:24 p.m.