

April 22, 2019

San Francisco Bay Conservation and Development Commission
455 Golden Gate Ave., Suite 10600
San Francisco, CA 94102

Re: Proposed Environmental Justice and Social Equity Amendment to the San Francisco Bay Plan

Dear BCDC Commissioners,

Thank you for the opportunity to comment on the Environmental Justice and Social Equity Amendment (EJ Amendment) for the San Francisco Bay Plan of the San Francisco Bay Conservation and Development Commission (BCDC). Historic inequity in the San Francisco Bay Area resulted in people of color and low-income communities bearing disproportionate environmental and public health burdens. This situation is exacerbated by rapidly rising rents, displacement of vulnerable populations, and climate change impacts, such as rising sea and water level. The San Francisco Bay Plan EJ Amendment has potential to support BCDC staff with concrete guidance that could reduce and mitigate potential unintended impacts to these communities.

BCDC engaged in an historic process addressing EJ concerns through a strategic and targeted community engagement strategy, with thoughtful input from a group of five equity and social justice organizations (EJ review team)—Breakthrough Communities, Greenaction for Health and Environmental Justice, Nuestra Casa, Shore Up Marin, and The Environmental Justice Coalition for Water—and the public. This EJ review team collaborated to develop recommendations that seek to strengthen existing policies, as well as guidance for the new EJ and Social Equity section of the Bay Plan. Along with the recommended amendments to the Bay Plan below, the EJ review team urges BCDC to undertake ongoing efforts and partnerships to protect EJ communities from the ensuing impacts of climate change, and other activities that impact community health and well-being.

In summary, we appreciate this opportunity to provide input to BCDC in the development of the EJ Amendment to the Bay Plan and our recommendations are grounded on the following goals:

- Improve public access policies to better serve the needs and safety of EJ communities.
- Make shoreline protection conversations more inclusive and transparent for the health and safety of all residents and visitors, especially around contamination issues.
- Enforce mitigation procedures that result in reduced health and safety impacts for all.
- Commitment from BCDC to fully embrace the principles of Environmental Justice, and to enact policies and practices that support and protect historically marginalized communities from sea level rise and other climate impacts.

The EJ and Social Equity Bay Plan Amendment is a step in the right direction, and we believe the recommendations below would considerably strengthen BCDC efforts with the EJ Amendment. We respectfully submit the following recommendations for inclusion in the final San Francisco Bay Plan EJ Amendment.

Recommendations:

The following recommendations would help ensure that BCDC staff will have sound guidance on efforts to support communities of color and low-income communities. The recommendations focus primarily on policies that can be included in the Public Access, Shoreline Protection, and Mitigation sections of the Bay Plan, including several suggestions for general context-setting, as well as guidance for a new EJ and Social Equity section.

Public Access

- a) Public access amenities should include elements and signage that reflect the indigenous and multicultural history of the project site. Signage should also be multi-lingual based on primary languages indicated in county-specific census data.
- b) To advance the goal of serving diverse communities, require multi-cultural programming of public access areas to increase community stewardship, with an emphasis on engaging youth.
- c) Emphasize the following in Public Access Policy #9: Ensure community needs are addressed, and signage to report problems or safety hazards are posted in multiple languages based on primary languages indicated in county-specific census data.
- d) Incorporate environmental justice and equity criteria in Design Review Board's project design scoring assessment to ensure unique EJ needs are integrated into public access amenities, such as active recreation, language access, and safe routes.

Shoreline Protection

- a) Require an assessment of impacts of shoreline protection projects, with the goal of avoiding unintended consequences, particularly to adjacent shoreline Disadvantaged Communities (DACs). When impacts are unavoidable, require mitigation for impacts on communities.
- b) Require assessment of historic use of lands, including community-based understanding and insight.
- c) When development occurs on contaminated lands, require assessment of potential for mobilization of contaminants due to flooding and sea level rise, and set a mandatory depth requirement for soil analysis.
- d) Formalize process and increase transparency about collaboration with relevant agencies to evaluate the adequacy of shoreline protection projects in contaminated, toxic, and hazardous areas. Make information about these types of projects available to the public early in the process.

Mitigation

- a) Require mitigation for adverse social and community impacts.
- b) Seek community involvement in identification of impacts and appropriate ways to mitigate.
- c) Create mechanisms that support flooding and sea level rise protection for vulnerable communities as part of mitigation.

Environmental Justice and Social Equity

Regarding BCDC's strategy for drafting the EJ and Social Equity section, we recommend:

- a) Provide history and context with EJ and equity-specific definitions.
- b) Clarify the role of EJ and equity in BCDC policies and general processes. Provide background on how BCDC complies with state and federal civil rights laws. Recognize role of government in perpetuating racism, environmental injustice, and inequities.
- c) Provide a refresher on the criteria BCDC uses to identify vulnerable communities.
- d) With regard to permitting, siting and related planning processes, particularly where enhanced review is concerned, we recommend that BCDC staff actively facilitate communication between project proponents and EJ organizations in a project's designated area. Facilitation by BCDC will help ensure that project proponents are aware of and accountable to the concerns of EJ populations.

- e) Conduct consistent and early meaningful engagement focused on EJ communities and communities of color during all stages of all BCDC's permitting and planning (mitigation, historic land use assessments, public access design guidelines, etc.)
- f) Require applicant to provide information on how a project will affect communities and how they worked with the community.
- g) Strengthen BCDC's collaboration, education and leadership on how to work with communities on permits with agencies and departments in charge of earlier stages of permitting.
- h) When a project is proposed in a community with "highest" social vulnerability, per Adapting to Rising Tides' vulnerability indicators, the Commission should follow stricter protocols to assess the impacts of the project. For example, when a project is proposed in a Priority Use Areas (Water-related Industry, Port, Airport, etc.) where EJ communities may be affected, BCDC staff should require an EJ analysis.
- i) BCDC's EJ working group should work with EJ representatives or this EJ review team to develop and refine an equity checklist that can be used in the permitting process to evaluate the impacts of proposed projects on EJ communities.
- j) Add EJ groups and community leaders to Interested Parties lists for projects.

Thank you for your consideration of these comments and recommendations. We look forward to continuing our work with the San Francisco Bay Conservation and Development Commission. Please do not hesitate to contact me at (360)464-5114 / nahal.ipakchi@gmail.com if you have questions.

Sincerely,

Nahal Ghoghaie, Environmental Justice Review Team Coordinator

Carl Anthony, Co-Director – Breakthrough Communities

Dr. Paloma Pavel, Co-Director – Breakthrough Communities

Sheridan Noelani Enomoto, Policy Advocate – Greenaction for Health & Environmental Justice

Julio Garcia, Program Director – Nuestra Casa

Terrie Green, Director – Shore Up Marin



Begin forwarded message:

From: Feinstein Arthur <> **Subject: Bay Plan proposed Amendments re Habitat and Environmental Justice and Social Equity**

Date: July 20, 2017 at 9:54:39 AM PDT

To: "Goldzband, Larry@BCDC" <larry.goldzband@bcdc.ca.gov>, lindy.lowe@bcdc.ca.gov

Dear Larry and Lindy:

Due to a health issue (a bad knee) I won't be able to attend today's Commission meeting but I did want to let you, and the Commission, know that I strongly support the proposal to amend the Bay Plan to address the impacts of climate change and sea level rise both from a habitat protection and restoration perspective and the impacts on disadvantaged communities that are the least able to address those impacts.

These are issues that are easy to support in general but that will, no doubt, raise many questions when it comes to the particulars. I look forward to that process and do hope that the public is adequately brought into these discussions. I would hope that there will be several opportunities for discussion before the Commission votes.

Good luck today,
yours,
Arthur Feinstein



July 20, 2017

BCDC Commissioners
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

RE: Changes to the Bay Plan to address Bay fill in habitat projects and social equity and environmental justice

Dear BCDC Commissioners,

On behalf of the Bay Area Council, I'd like thank you for the opportunity to comment on the two considerations before the Bay Conservation and Development Commission (BCDC): updating policies regarding fill for habitat projects, and the inclusion of social justice into the Bay Plan, and potentially, to the McAteer-Petris Act. While the Bay Area Council supports the proposed action for BCDC staff to begin a public process to explore policy changes in these areas, we caution the Commission that the exigencies of climate change require any action taken by BCDC to be in the service of speeding project approvals, not delaying them.

A 2015 study from the Bay Area Council Economic Institute estimates the Bay Area could suffer more than \$10 billion in damages during an extreme storm event occurring under current sea levels. While wetland habitats are among the most cost-effective ways to improve the health and safety of the San Francisco Bay shoreline, the Fall 2016 update to the Baylands Goals Report, compiled by the Coastal Conservancy and 20 other management agencies including BCDC, warned that restoring such habitats will become increasingly cost-prohibitive beyond 2030 due to rising sea levels. This past April, the Ocean Protection Council updated its sea level rise projections, which now predict a 67% chance that the San Francisco Bay will rise additional 6 inches to 1.1 feet by 2050.

These new findings highlight the urgency in addressing sea level rise in the San Francisco Bay. That's why the Bay Area Council, the Silicon Valley Leadership Group, Save the Bay, and other organizations worked to pass Measure AA in 2016, a \$12 parcel tax which will raise \$500 million over 20 years for wetland restoration and flood protection projects in the San Francisco Bay. That's also why the Bay Area Council and the Silicon Valley Leadership Group are leading an effort involving 13 Bay permitting and permittee agencies, including BCDC, to work on ways to better coordinate the permitting of beneficial projects.

In short, time is not on our side. The paramount goal of any considered changes to the San Francisco Bay Plan and/or the McAteer-Petris Act, must be the reduction of project timelines and costs. Proposed policy changes on bay fill for habitat or social justice should meet this constraint. As stated at one BCDC workshop: we can spend valuable years studying the tangential effects of adaptation strategies, or we can be nimble and innovative. We urge BCDC to commit to the latter. Any processes or policies that complicate, delay, or materially increase project costs will leave residents and businesses vulnerable to the harms of sea level rise and our next mega storm.

Thank you for your leadership, and for considering our views.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adrian Covert', written in a cursive style.

Adrian Covert
Vice President, Public Policy
Bay Area Council

July 19, 2017

San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102-7019

To the BCDC Commission Members,

We, the undersigned community and environmental justice organizations, call on you to adopt the staff recommendation for social equity and environmental justice in the proposed amendments.

We support Bay Conservation and Development Commission's efforts to protect the San Francisco Bay. Climate change, impacts of flooding, and sea level rise will affect communities differently; especially disadvantaged communities.

We urge you to consider these communities when developing the San Francisco Bay Plan.

For health and environmental justice,

Leaotis Martin, Co-Coordinator

Bayview Hunters Point Mothers and Fathers Committee

Carl Anthony, Co-Founder

Breakthrough Communities

Paloma Pavel, Executive Director

Earth House

Bradley Angel, Executive Director

Greenaction for Health and Environmental Justice

Wafaa Aborashed, Director

Healthy 880 Communities

Anthony Khalil, Community Programs Director

Literacy for Environmental Justice

Colin Miller

Oakland Climate Action Coalition

Phoenix Armenta

Resilient Communities Initiative

Hannah Doress, Co-Director
Shore Up Marin

Colin Bailey, Executive Director and Managing Attorney
The Environmental Justice Coalition for Water

Janice Schroeder, Core Member
West Berkeley Alliance for Clean Air and Safe Jobs

Dr. Henry Clark
West County Toxics Coalition

Brian Beveridge, Co-Director
West Oakland Environmental Indicators Project