

# **BPA 2-17 ENVIRONMENTAL JUSTICE AND SOCIAL EQUITY STAFF RECOMMENDATION AND COMMISSION VOTE**

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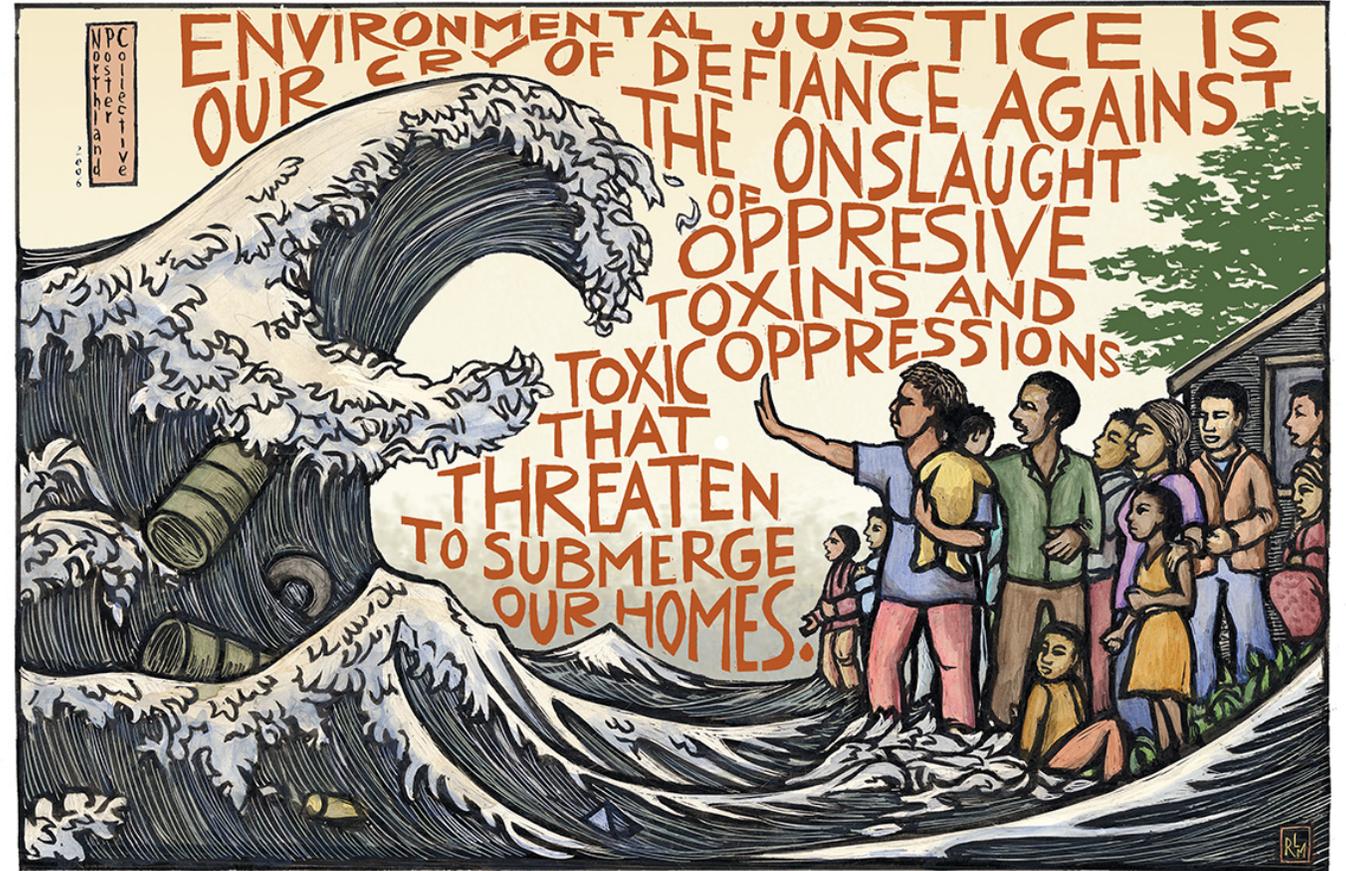
OCTOBER 17, 2019

## PRESENTATION OUTLINE

- Brief background on the need for this amendment
- Overview of public comments
- Process since July 18 public hearing
- Amendment outline
- Overview of changes made in revised staff recommendation
- Public comment
- Commission deliberation
- Potential vote

# 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.”  
(California Government Code §65040.12(e)).



(source: Ricardo Levins Morales Art Studio)

# BCDC'S MISSION

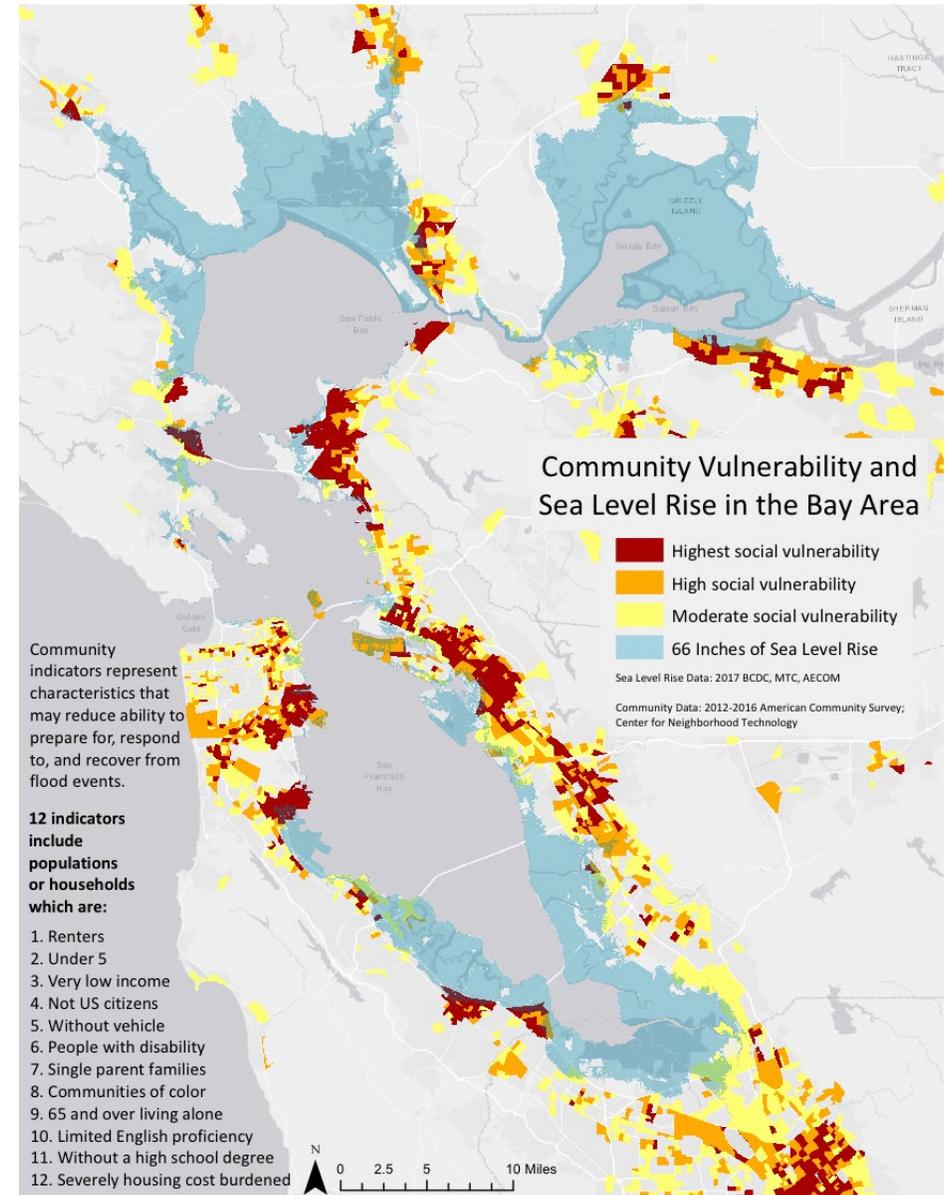
...to protect and enhance San Francisco Bay and encourage the Bay's responsible and productive use for this and future generations.



(source: USGS)

# EJ AND SOCIAL EQUITY ARE INTEGRAL TO FULFILLING BCDC'S MISSION

- Unequal public access
- Disproportionate burdens
- Sea level rise vulnerability



(source: BCDC)

# EJ BAY PLAN AMENDMENT PROCESS

Initiated  
July 20, 2017



- May 31 Preliminary Recommendation
- July 18 Public Hearing
- Oct 4 Revised Recommendation

SCOPE AND ORGANIZE

PUBLIC WORKSHOPS

COMMISSION HEARING AND **VOTE**

BACKGROUND RESEARCH

DRAFT POLICY CHANGES

STATE AND FEDERAL ADMINISTRATIVE LAW REVIEW

EJ Commissioner Working Group Meetings



# 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)

# OVERVIEW OF PUBLIC COMMENTS

- Lenny Siegel (former Mayor of Mountain View)
- Richardson's Bay Regional Agency
- Committee for Green Foothills
- Port of San Francisco
- San Francisco Estuary Partnership
- EJ Review Team (Greenaction for Health and Environmental Justice, Breakthrough Communities, Shore Up Marin City, 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

## PROCESS SINCE JULY 18 PUBLIC HEARING

- Discussions within BCDC staff
- Phone calls with various stakeholders
- EJ Commissioner Working Group
  - September 5
  - October 3
- 10/4 - Published revised staff recommendation and responses to comments
- 10/17 – Potential Commission vote

# OUTLINE OF AMENDMENT TO BAY PLAN

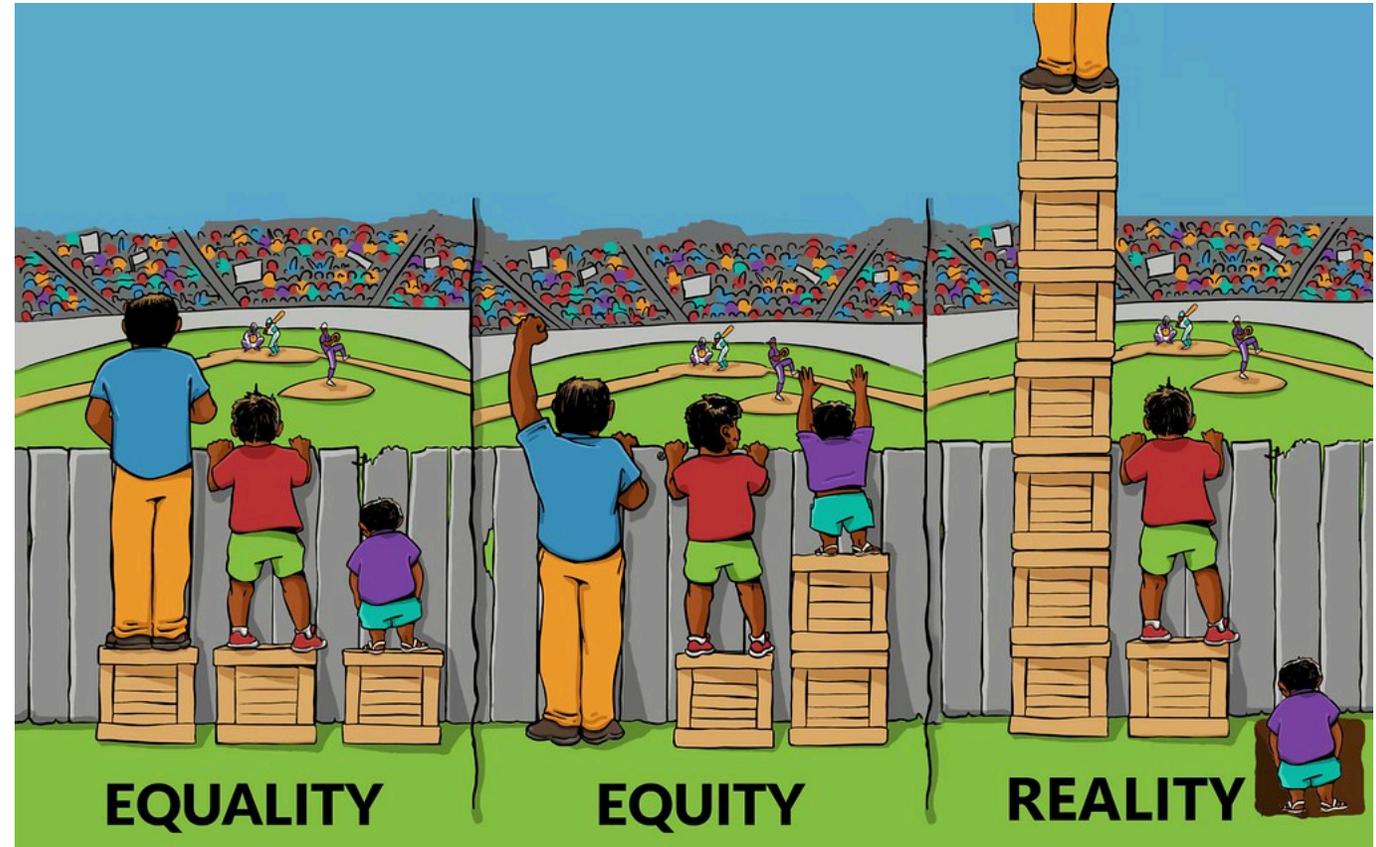
- **Adds New EJ and Social Equity Section**
  - History and context
  - Definitions and guiding principles
  - Meaningful community involvement
  - Disproportionate impacts
  - Collaboration and coordination
- **Amends 3 Sections**
  - **Public Access**
    - Distribution and quality of public access
    - Meaningful community involvement
    - Public access barriers
    - Design review process
  - **Shoreline Protection**
    - Adverse adjacent impacts
    - Meaningful community involvement
    - Access to the Bay
    - Remediation of contamination
  - **Mitigation**
    - Meaningful community involvement
    - Distribution of mitigation benefits

# CHANGES TO STAFF'S PRELIMINARY RECOMMENDATION

- Environmental Justice and Social Equity Policies 2-4
  - For consistency:
    - Public Access Policy 5
    - Shoreline Protection Policy 2
    - Mitigation Policy 3
- Public Access Finding C, H
- Public Access Policy 8
- Mitigation Finding H

# EJ AND SOCIAL EQUITY POLICY 2 (P. 13):

- Changed “expect” to “request” regarding role of local governments
- Changed “be a leader” to “provide leadership” in cross-agency issues



(source: Flickr)

# EJ AND SOCIAL EQUITY POLICY 3 (P. 13):

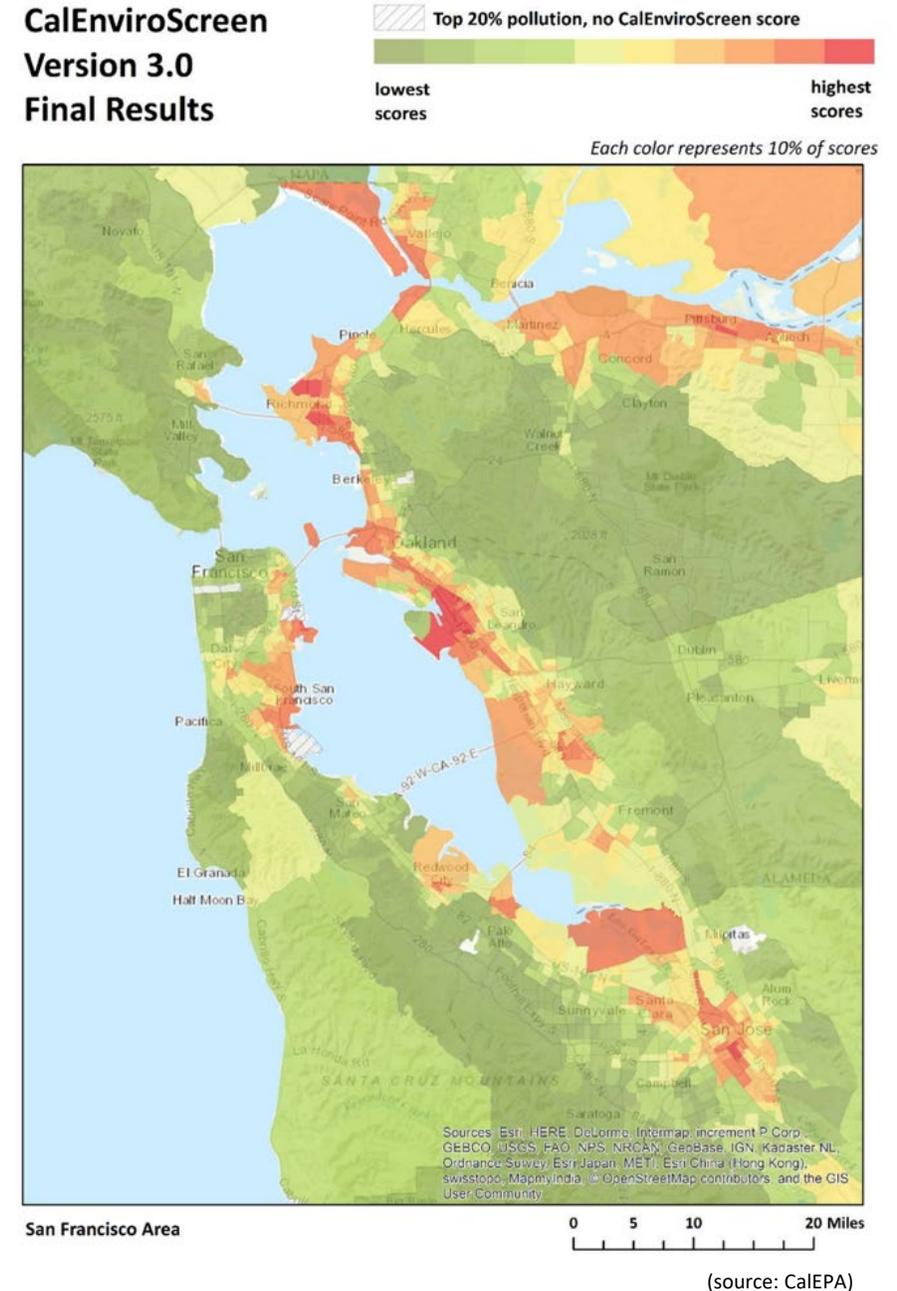
- Re-worded to be clearer and remove the word “expect”
- Clarified when further outreach and engagement should occur
- Included “underrepresented communities” in list of communities that should be involved
  
- Note: For consistency, similar changes have been made to Public Access Policy 5, Shoreline Protection Policy 2, Mitigation Policy 3 (p. 20, 27, 31)



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

# EJ AND SOCIAL EQUITY POLICY 4 (P. 14):

- Included “underrepresented communities” in list of communities that should be assessed
- Changed “burdens” to “impacts”
- Used the term “mitigation” rather than spelling out the steps of mitigation



# PUBLIC ACCESS FINDING C (P. 15)

- Changed “by its nature” to “in general” before “public access is free”
- Added “public programming that activates the shoreline”
- Changed “non-physical aspects of Bay access” to “programming”



Day on the Bay Multicultural Festival in Alviso (source: Mercury News)

# PUBLIC ACCESS FINDING H AND POLICY 8 (P. 16, 21)

- Phrases added to further ensure public access is welcoming to local communities
- Reworded to be more proactive
- Reworded for clarity and sentence structure



Bay Area Outreach & Recreation Program (BORP) Handcyclists, Blind Tandem Riders, and injured veterans cruise the San Francisco Bay Trail in Fremont (source: BORP)

# MITIGATION FINDING H (P. 30)

- Added specificity and clarification about community involvement in various phases of mitigation



Volunteers at Candlestick State Recreation Area (source: Literacy for Environmental Justice)

# SUMMARY OF AMENDMENT TO BAY PLAN

- Recognize BCDC's role in environmental injustices and social inequities around the region
- Add definitions and guiding principles to shape the Commission's work
- Require meaningful community involvement in certain projects
- Identify and address disproportionate impacts of projects within BCDC's authority and jurisdiction
- Use inclusive design principles in the evaluation of public access projects
- Identify and address potential adjacent adverse impacts of shoreline protection
- Incorporate sea level rise science into remediation projects
- Consider distribution of mitigation benefits

## BPA 2-17 STAFF RECOMMENDATION

1. Adopt Resolution (No. 2019-07)  
Committing to Environmental Justice and  
Social Equity Guiding Principles
2. Adopt Resolution (No. 2019-08) Adding  
New Environmental Justice and Social  
Equity Findings and Policies to the Bay  
Plan; And Revising the Bay Plan Public  
Access, Shoreline Protection, and  
Mitigation Findings and Policies

# IMPLEMENTATION - PHASE 1 (FALL/WINTER 2019/2020)

- Develop implementation guidance
- Make BCDC's vulnerable communities data publicly available
- Training for regulatory staff
- Training for Commission and Design Review Board
- Outreach and trainings for applicants and local governments
- Capacity exchange and relationship building between CBOs and BCDC staff

# IMPLEMENTATION: PHASE 2 - PROCESS (2020+)

- Improve BCDC's community outreach and engagement
- Improve public meeting and material accessibility
- Improve agency collaboration and coordination
- Explicitly address equity in day-to-day operations
  - Communications and public education
  - Examine recruitment, hiring, and retention

# IMPLEMENTATION: PHASE 2 - POLICY (2020+)

- Update Public Access Design Guidelines
- Update Regulations
- Explore amending the McAteer-Petris Act
- Build capacity to address tribal issues
- Ensure EJ and equity are central to regional shoreline adaptation planning

# COMMISSIONER AND PUBLIC COMMENTS