Environmental Justice Policy

CALIFORNIA STATE LANDS COMMISSION

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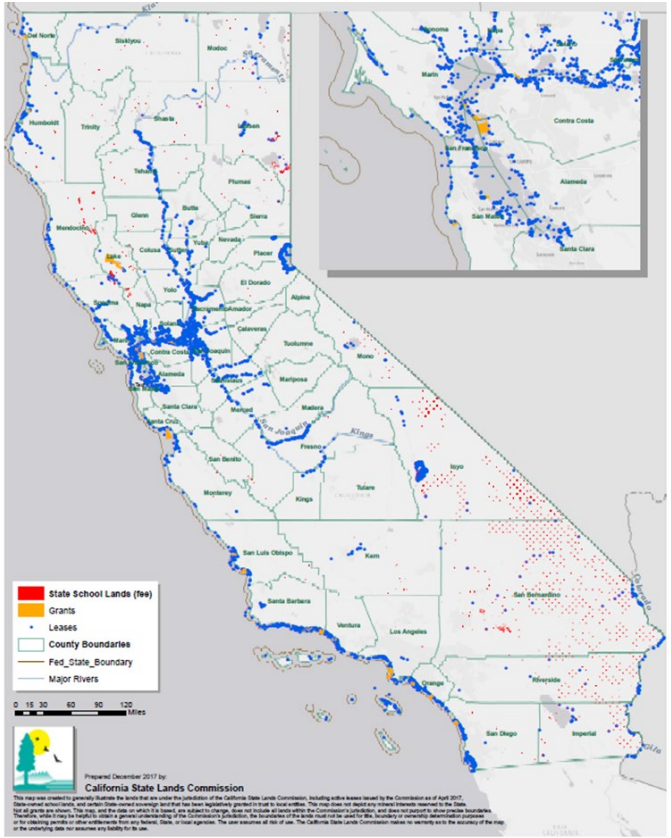
September 6th, 2018

California State
Lands Commission

Commission Jurisdiction



In water:

- **Tidelands**- the “wet areas” between the low tide and high tides
- **Submerged lands**- lands that are under water

On land:

- **Filled lands**- natural waterways that were filled
- **School lands**- Sections 16th and 36th in each township to support public schools

Environmental Justice Policy

- Public Engagement
- Equity
- Inclusion
- Relationships

Objective and Key Results

Objective:

- Develop a meaningful environmental justice policy and implementation plan by the end of 2018.

Key Results:

- Outreach to EJ communities throughout the state for feedback that will inform the substance of the policy.
- Circulate a draft policy & implementation plan for public comment in the summer of 2018.
- Include our employees—request feedback/host brown bag lunches.
- Adopt a policy by Dec. 2018 that reflects input from EJ communities around the state and from our staff.

Draft Policy

- Released August 2018
- September 14 comment deadline
- Commission adoption in October or December 2018

I. Introduction

The Commission envisions a future in which all Californians have access to and enjoy the benefits of public lands and natural resources, regardless of socioeconomic status, race, religion, culture, national origin, gender, gender identity, gender expression, or sexual orientation. It also envisions a future where environmental justice communities are no longer disproportionately impacted by pollution and environmental hazards. The Commission's primary responsibility to apply the Public Trust Doctrine[1] to California lands is rooted in the principle that the public has a right to use and enjoy rivers, lakes, and the ocean for commercial and recreational navigation, fishing, swimming and other recreation. The Commission is entrusted to protect, preserve, and manage the lands and natural resources under its jurisdiction in the best interests of all Californians. The Commission commits to promoting social equity and advancing environmental justice[2] through more inclusive decision-making that considers the needs and concerns of all communities, but with sensitivity to disproportionate burdens on marginalized, disadvantaged, and tribal communities.

For thousands of years, Tribes and tribal communities have inhabited the lands we know as "California." The Commission recognizes the critical connection California's tribal communities have to the environment and acknowledges that the environmental injustices they have endured over generations, including the destruction of natural resources that sustained their communities and systematic displacement from their lands, give Native communities a unique perspective on environmental justice concerns. Today, California's Tribes and tribal communities experience many of the same environmental injustices as other vulnerable communities, such as impacts from pollution to air, water, soil, and other resources. Impacts experienced by indigenous communities from the loss of access to sacred resources or locations and lost opportunities to gather or grow food, to hunt and fish, or to practice traditional medicine are uniquely experienced by indigenous communities. Incorporating tribally-identified metrics and narratives, where applicable, is a critical part of an environmental justice impact analysis. Together with its Tribal Consultation Policy,[3] the Commission will use this policy to amplify tribal voices in fulfilling its mission and vision.[4]

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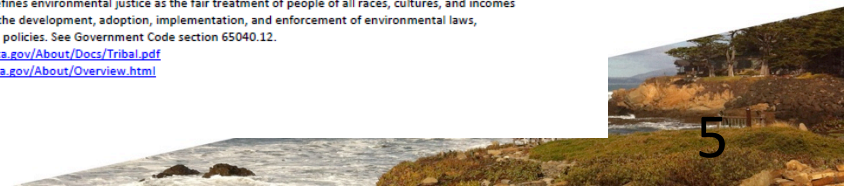
[1] http://www.slc.ca.gov/PublicTrust/PublicAccess.html
[2] California law defines environmental justice as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. See Government Code section 65040.12.
[3] http://www.slc.ca.gov/About/Docs/Tribal.pdf
[4] http://www.slc.ca.gov/About/Overview.html



Framework

Vision & Objectives

II. Environmental Justice Vision and Objectives

1. PROMOTE EQUITY

   a. Promote the fair treatment of people of all races, cultures, national origins, genders, gender identities, gender expressions, religions, sexual orientation, and socioeconomic status concerning the development, adoption, implementation, and enforcement of laws, regulations, and policies within the Commission's jurisdiction.

2. INFORM THE PUBLIC AND TRIBES

   The Commission will develop tools and strategies to better inform the public and tribal communities about:

   a. The Public Trust Doctrine - its history and why it is relevant to advancing environmental justice.

   b. The public's rights to access and enjoy Public Trust lands,[5] including tide and submerged lands and navigable waterways; and

   c. The Commission's role:

      i. As a trustee landowner of ungranted Public Trust lands and resources.

[5] In coastal areas, sovereign lands include both tidelands and submerged lands, from the shore out three nautical miles into the Pacific Ocean and lands that have been filled and are no longer underwater. Tidelands lie between mean high tide and mean low tide. The beds of navigable lakes and rivers are also sovereign lands subject to the Public Trust. http://www.slc.ca.gov/PublicTrust/PublicAccess.html

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Implementation

Implementation Outline

I. PURPOSE STATEMENT

These strategies are meant to guide the Commission's policy implementation and can be adapted to ensure the intent of this policy is carried through to and meaningfully considered in all areas of the Commission's work.

II. PROCEDURAL GOALS

The Commission will:

Goal 1.0: *IDENTIFY AND ENGAGE WITH IMPACTED COMMUNITIES.*
The Commission will work to identify marginalized and disadvantaged communities, including tribal and non-tribal communities, that live, work, and recreate near a proposed project or lease site as an initial step in the application process.

Strategies to Achieve this Goal:

1.1. Reach out to environmental justice groups, impacted communities, and Tribes and tribal communities when the Commission becomes aware of project proposals or receives a lease application and collaborate with impacted groups throughout the review process.

1.2. Develop relationships with community-based organizations and seek their assistance in identifying marginalized and disadvantaged communities that live, work, and recreate near a proposed project.

1.3. Develop and sustain relationships with tribal communities, to ensure tribal-specific environmental justice concerns are understood and considered.

1.4. Use CalEnviroScreen and other resources that assess where there are marginalized or disadvantaged communities in relation to project and lease applications and policy decisions.

1.5. Continuously update and enhance contacts and relationships with local, regional, and statewide environmental justice advocates.

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Policy Objectives

1. Promote Equity
2. Inform the public & tribes
3. Increase & encourage equitable public access
4. Increase Commission awareness
5. Analyze impacts & identify benefits
6. Honor tribes' ancestral homelands
7. Build trust & form relationships
8. Support cleaner industry
9. Increase public participation
10. Reduce impacts & increase benefits
11. Accountability

How will we measure effectiveness?

We will ask internal questions on a quarterly basis:

- Is the policy useful?
- Can it be a model for other agencies?
- Can it inspire others in government?
- How are we doing with communicating, measuring, and achieving our goals?

THANK YOU & QUESTIONS

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