

Guidance on Environmental Justice and Social Equity Policies and Meaningful Engagement for BCDC Permitting Staff

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Disclaimer

This document is intended to provide suggested, non-binding guidance primarily to permit analysts of the San Francisco Bay Conservation and Development Commission (BCDC or Commission) regarding the Commission's application of the San Francisco Bay Plan (Bay Plan) Environmental Justice and Social Equity (EJSE) Policies. Reliance on this guidance is not mandated by said Policies, except where specifically indicated. Nor is this guidance binding on the Commission's discretion or determinative of the issues discussed herein. In all cases the Commission retains full discretion in interpreting and implementing the Bay Plan EJSE Policies, and such application of the policies is made by the Commission on a case-by-case basis, considering site-specific circumstances and the nature of the proposed project.

Executive Summary

Historically, marginalized and underserved communities, particularly Black, Indigenous, and People of Color (BIPOC), have been systematically excluded from decision-making processes that directly affect their health, environment, and quality of life. These practices were often carried out without input from the communities most impacted, resulting in disproportionate harm.

BCDC's Bay Plan EJSE policies were adopted in late 2019 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. These policies guide BCDC's permitting and environmental justice program and require permit applicants to incorporate meaningful community engagement into their project planning process. Additionally, these policies require, within the scope of BCDC's authority, mitigation of disproportionate adverse impacts on identified vulnerable and/or disadvantaged communities. The policies aim to ensure that all communities, including those historically marginalized, are treated equitably in the implementation of BCDC's policies with respect to projects that require a BCDC permit.

This document provides suggested, non-mandatory guidance on how permit analysts can determine whether a permit applicant has met the minimum requirements of BCDC's EJSE policies, while also providing internal and external resources, best practices, and examples for analysts to also consider. Permit analysts may also use this guidance during the pre-application process to advise project proponents on whether BCDC's EJSE policies would apply and how they can comply.

- Section I, [EJSE policies](#), provides a summary of policies in the Bay Plan related to environmental justice and minimum required actions to be in compliance with these policies.
- Section II focuses specifically on “meaningful community engagement” as that concept is used in the EJSE policies – what it is, why it matters, how to evaluate it, and tools and resources that are available.
- Section III provides suggested best practices for engaging communities during project development. This can be used to help guide applicants, or for BCDC internal engagement practices.
- Section IV highlights case studies demonstrating the use of meaningful community engagement as part of past BCDC permitting decisions.
- Appendix A lists relevant Bay Plan findings and policies.
- Appendix B is a glossary of terms.

I. Environmental Justice and Social Equity Policies: Overview and Minimum Actions

[The Bay Plan](#) contains four primary policies regarding EJSE, as well as policies under Public Access, Shoreline Protection and Mitigation that were amended to specifically incorporate EJSE considerations. Corresponding Bay Plan Findings support each of the policies.

This section summarizes the four main EJSE policies and provides a short description of minimum required actions that permit analysts should be aware of when ensuring that a proposed project can be found consistent with these policies. Please refer to the Bay Plan for precise finding and policy language.

A. EJSE Policy 1

Policy 1 states that the Commission’s guiding principles on environmental justice and social equity – which are found in Finding j – should shape all of its actions and activities. Therefore, consideration of environmental justice and social equity is integral and required for all Commission matters.

- **Minimum Actions to Address EJSE Policy 1:** Environmental Justice should inform all of the Commission’s actions. For permit analysts, this means assessing, at a general level, that the proposed project aligns with the seven guiding principles in EJSE Finding j, as applicable:

- Recognize and acknowledge the California Native American communities who first inhabited the Bay Area and their cultural connection to the natural resources of the region.
- Maintain the Commission’s commitment to ensuring that the Bay remains a public resource, free and safe for all to access and use regardless of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability.
- Continually strive to build trust and partnerships with underrepresented communities and community-based organizations.
- Endeavor to eliminate disproportionate adverse economic, environmental, and social project impacts caused by Commission actions and activities, particularly in disadvantaged and vulnerable communities.
- Ensure that the needs of vulnerable shoreline communities are addressed as the Commission assists all stakeholders plan for current and future climate hazards.
- Work collaboratively and coordinate with all stakeholders to address issues of environmental justice and social equity.
- Continually build accountability, transparency, and accessibility into the Commission’s programs and processes.

Permit analysts should consult with their manager and the senior manager of the EJ Team if they believe there are fundamental inconsistencies between the proposed project and the above guiding principles.

B. EJSE Policy 2

Policy 2 states that, addressing EJSE issues should begin as early as possible, the Commission should support and request local governments to include EJSE in their land use planning and permitting processes. Policy 2 also states that the Commission should provide leadership in collaborating transparently with other agencies on EJSE issues that may affect BCDC’s authority or jurisdiction. This policy speaks to BCDC’s relationship with other government agencies, rather than being applicable on a project-specific basis in a permitting context.

- **Minimum Actions to Address EJSE Policy 2:** This policy references coordination with local jurisdictions and other agencies with regards to EJSE issues. BCDC staff are encouraged to work with local governments early in their land use processes (planning and permitting levels) to address EJSE, as outreach and engagement should occur prior

to and continue through BCDC’s permitting process prior to Commission action.¹ To accomplish this, BCDC permitting analysts can:

- Share recommendations during pre-application meetings and provide best practices guidance documents.
- Comment on environmental documents indicating relevant EJSE policies to the project.

In some situations, it may be appropriate for various BCDC staff to collaborate with other agencies on EJSE issues “that may affect the Commission’s authority or jurisdiction.”² In this case:

- Consult the EJ Team and Legal Division and related BCDC staff to talk about the policy issues and the implications and next steps needed.
- Identify the appropriate agency/agencies and the practical and legal feasibility of connecting the relevant regulatory agency with the project proponent (if BCDC has a contact at the applicable agency/agencies).

In the case where there is an EJSE issue outside of BCDC’s respective authority, the permit analyst may:

- Consult the EJ Team and Legal Division to identify the appropriate agency/agencies and the practical and legal feasibility to connect the relevant regulatory agency with the project proponent (if BCDC has a contact at the applicable agency/agencies)
- Follow up to determine if any special considerations/mitigations can be included in the BCDC permit before issuance to address the identified EJSE issue.

C. EJSE Policy 3

Policy 3 states that equitable, culturally relevant community outreach and engagement should be conducted by local governments and project applicants to meaningfully involve potentially impacted communities for major projects and appropriate minor projects in underrepresented and/or identified vulnerable and/or disadvantaged communities, and

¹ See *also* EJSE Policy 3, further discussed in the next section. See *also* EJSE Finding k.

² See *also* EJSE Policy 4. See *also* BPA No. 2-17 Final Staff Recommendation, p. 13 [explaining final language change of EJSE Policy 2 from “that fall outside of” to “that may affect,” indicating intent to focus BCDC collaboration with other agencies to focus on EJSE policy issues within BCDC’s authority and jurisdiction].

should continue throughout BCDC’s permitting process. Local governments and project applicants should also provide evidence of how community concerns were addressed.

➤ **Minimum Actions to Address EJSE Policy 3:** Meaningful community involvement “is a major tenet” of the EJSE policies.³This policy is considered to be part of the pre-application and permit application process, and the policy contains terms for which interpretation may depend on the fact-specific circumstances of any given project.

- During the pre-application process, analysts should advise project proponents on whether the project must conduct meaningful community engagement, share resources and best practices for meaningful community engagement, and discuss what documentation the eventual permit application should include to demonstrate consistency with this policy.
- During the permit application process, the analyst should determine whether meaningful community engagement is required. Meaningful engagement is required for projects that implicate environmental justice and social equity issues and that require a major permit and, “at the Commission’s discretion,” certain “appropriate” projects requiring an administrative/minor permit.⁴
- Determine whether the project is located in either an “underrepresented and/or identified vulnerable and/or disadvantaged communities.” EJSE Finding h sets forth definitions of “disadvantaged communities,” “vulnerable,” and “underrepresented community.” Disadvantaged and vulnerable communities may be determined through CalEnviroScreen or BCDC’s community vulnerability mapping tool [Adapting to Rising Tides (ART) Program].⁵ The term “underrepresented” is included in EJSE Policy 3 “because screening tools may not indicate very small disadvantaged or vulnerable communities or those not captured by residential data, such as those experiencing homelessness or transient populations.”⁶
- Once meaningful community engagement has been completed, local governments and project applicants should provide evidence to BCDC staff of how community concerns that are within BCDC’s jurisdiction were addressed. The permit analyst should work with a member of the EJ team and legal to determine the adequacy of the engagement. Adequate engagement ensures that “the public’s contribution can influence the regulatory agency’s decision” and “community concerns will be

³ See BPA No. 2-17 Final Staff Recommendation, p. 13.

⁴ See BPA No. 2-17 Final Staff Recommendation, p. 13.

⁵ See *id.*, pp. 9, 13.

⁶ See *id.*, p. 13.

considered in the decision making process.”⁷ If engagement is determined to be inadequate, the analyst should make recommendations to the permit applicant on how to better comply with the policy, prior to Commission action.⁸

To overcome accessibility barriers that often bar participation for low-income people, working people, parents and guardians, people of color, people with limited English language skills, people with disability, people with limited transportation options, etc.⁹ Meaningful community involvement may require additional or more targeted outreach, such as language-specific or culturally-specific outreach and engagement tactics.

D. EJSE Policy 4

Policy 4 states that potential disproportionate impacts should be identified in collaboration with impacted communities for projects proposed within an underrepresented and/or identified vulnerable and/or disadvantaged community. Policy 4 also states that local governments and the Commission should, through their respective permitting processes and within the scope of their respective authorities, require mitigation for disproportionate adverse project impacts on identified vulnerable or disadvantaged communities in which the project is proposed.

- **Minimum Actions to Address EJSE Policy 4** - Similar to Policy 3, consistency with this policy is considered directly as part of the pre-application and permit application process, and the policy contains terms for which interpretation may depend on the fact-specific circumstances of any given project.
 - During the pre-application process, analysts should advise project proponents on whether this policy would apply and discuss what documentation they should submit with their eventual permit application to demonstrate consistency with this policy.
 - There is a two-step process for addressing disproportionate EJSE impacts as part of the permit application process.¹⁰
 1. The project applicants should identify disproportionate project impacts that are within BCDC’s jurisdiction with the involvement of impacted underrepresented and/or identified vulnerable and/or disadvantaged communities. Identification of disproportionate project impacts must focus on EJSE issues within the scope

⁷ EJSE Finding i

⁸ See BPA No. 2-17 Final Staff Recommendation, pp. 13-14.

⁹ EJSE Finding k. See also BPA No. 2-17 Final Staff Recommendation, p. 11.

¹⁰ See EJSE Finding l. See also BPA No. 2-17 Final Staff Recommendation, pp. 12, 14.

of BCDC's authority or jurisdiction. See Appendix B Glossary for definitions of these terms.

2. Local governments and BCDC should address disproportionate project impacts through their respective permitting and environmental review processes, within the bounds of their respective authorities and jurisdictions.¹¹
- Permit analysts must work with the applicant, EJ Team and Legal Division and any other relevant BCDC staff to determine whether a proposed project may have disproportionate impacts and whether that impact is within the Commission's respective authority to address. At a minimum, the permit analyst, the applicant, EJ Team, Legal Division and other relevant BCDC staff should be made aware of disproportionate impacts so that they can decide the agency's role, if any, in addressing said impacts as part of the Commission's permitting process.

In addition, projects that involve public access, shoreline protection, and mitigation are subject to Bay Plan Policies that, as amended, further contain EJSE requirements.

These policies include:

- Public Access Policy 5
 - Meaningfully involving underrepresented and/or identified vulnerable and/or disadvantaged community in the designing and programming of public access areas is of particular importance.¹²
 - Meaningful community involvement is required for public access that substantially changes the use or character of the project site.
 - The goal is to create a more equitable public access experience that is inclusive, welcoming of all, and embraces/celebrates the area's multicultural and indigenous identities.¹³
- Shoreline Protection Policy 2
 - Meaningful community involvement should occur in underrepresented and/or identified vulnerable and/or disadvantaged communities for Shoreline Protection Project (SPP) planning and design processes. Reasons include: the SPP method constrains what public access and recreational facilities can be integrated into the project and how people engage with their shoreline. There is

¹¹ See BPA No. 2-17 Final Staff Recommendation, p. 14.

¹² See Public Access Finding i. See also BPA No. 2-17 Final Staff Recommendation, p. 17.

¹³ See Public Access Finding i. See also BPA No. 2-17 Final Staff Recommendation, pp. 17, 20.

also the chance the community may perceive Nature Based Solutions (NBS) are not as effective as traditional infrastructure. In addition, Flood Protection Plans (FPP) could create an increase of flooding in neighboring sites that are low-resourced. Early communication is key to building trust and support for the methods of SPP.

- Meaningfully involving underrepresented and/or identified vulnerable and/or disadvantaged community can help ensure successful shoreline protection structures, regional adaptation strategies, and resilience measures.¹⁴ Such outreach and engagement should supplement technical analysis with local expertise and traditional knowledge to reduce unintended consequences.
- Exception: Meaningful community involvement is not required for maintenance and in-kind repairs to existing protection structures or small shoreline protection projects.
- Mitigation Policy 3
 - For major and appropriate minor projects requiring compensatory mitigation, meaningful involvement should occur in underrepresented and/or identified vulnerable and/or disadvantaged communities surrounding both the project and the mitigation site.
 - Meaningful community involvement should include consultation with the community in 1) the identification and prioritization of potential projects; 2) project planning, implementation, monitoring; and 3) onsite education programs and other public programming of a mitigation site.

II. Meaningful Community Engagement

Meaningful community engagement is not only a step toward rectifying past injustices, but also a way to leverage the unique knowledge and lived experiences of community members. Effective engagement ensures that projects are more inclusive, equitable, and reflective of community needs.

This section is intended to be informative by providing context on why meaningful community engagement is important and including non-mandatory suggestions for analysts to consider when determining whether an applicant has undertaken meaningful community engagement consistent with the EJSE policies.

¹⁴ See Shoreline Protection Finding i. See also BPA No. 2-17 Final Staff Recommendation, p. 25.

A. Importance of Meaningful Engagement

Historically, marginalized, underrepresented, and underserved communities have been excluded from decision-making processes that directly impact their health, well-being, and quality of life. For example, the siting of toxic waste dumps in predominately Black, Indigenous, and People of Color (BIPOC) communities were the result of exclusionary and discriminatory practices that did not include impacted communities in the decision-making process.¹⁵

Another example is the federal government’s historic creation of redlining maps for every major city in the United States in the past. The maps created by a now-defunct federal agency, the Home Owners’ Loan Corporation, assigned grades based on the Corporation’s perceived level of security or riskiness for banks, loans, and other lending practices. Communities were ranked arbitrarily based on the demographics of their neighborhoods. Communities with African-Americans, immigrants, or Jewish people were perceived as a threat to home values, received the lowest grade of D, and colored red on the maps. The maps were used to justify discriminatory investment practices. For example, based on the grade received on the maps, certain communities were either deemed ‘suitable’ or ‘unsuitable’ to receive public infrastructure investments or have access to credit and loans.¹⁶

Public agencies are recognizing the importance of bringing communities historically and negatively impacted by policies and projects into the planning and development review processes. Meaningful community engagement is a valuable process that builds trust by addressing historical wrongs and recognizing that communities hold invaluable expertise that a public agency does not necessarily possess. For more in-depth reading on this topic, read the [background report](#) that BCDC staff wrote in support of the Bay Plan Amendment that incorporated EJSE policies into the Bay Plan, BPA 2-17.

Defining Meaningful Community Engagement

The term community can be defined in many different ways as there can be multiple communities in any one neighborhood or around any single issue. It’s important to keep in mind that it is individuals who will participate in the project development process and not entire communities, therefore any given individual may not represent the full diversity of their communities.¹⁷

¹⁵ [Toward Equitable Shorelines: Environmental Justice and Social Equity at the San Francisco Bay Background Report in Support of Bay Plan Amendment No. 2-17.](#)

¹⁶ [Mapping Inequality Redlining in New Deal America.](#)

¹⁷ [Tips for Meaningful Community Engagement: State Coastal Conservancy.](#)

Meaningful engagement provides communities with opportunities to become an integral part of the visioning, decision-making, and leadership of projects. Implementing meaningful community engagement requires the consideration and removal of barriers to community participation to ensure all activities are as inclusive and accessible as possible. When engagement with communities is done well and community desires are reflected in project design and implementation, it has the potential to increase positive project impacts and minimize project delays. Ideally, meaningful community engagement will create opportunities for project benefits to flow back into the community and increases the likelihood that project decisions will be embraced and supported by those that will be affected.¹⁸

Meaningful engagement is a process that respects a community's knowledge and lived experiences. It is a process that aims to redistribute power and enable communities' self-governance actively working to reduce the gap between community, government, CBOs, and project applicants. To practice meaningful community engagement, the process must be built on principles of trust with the intention to incorporate the feedback received from the community.

Community engagement is a spectrum. While an external resource, the IAP2 Public Participation Spectrum has been used as a best practices tool for a variety of public institutions. While the EJSE policies don't require its use, the spectrum can be a helpful resource to assist analysts as they assess the depth of a permit applicant's engagement effort. When conducting meaningful community engagement it is best practice to progress engagement efforts from "Inform" to "Empower" in order to make engagement truly meaningful¹⁹.

¹⁸ [NOAA Grant Proposal Encouraging Community Engagement Checklist.](#)

¹⁹ [IAP2 Public Engagement Spectrum.](#)

Figure 4-1 / IAP2 Public Participation Spectrum

Increasing Level of Public Impact				
Inform	Consult	Involve	Collaborate	Empower
Public Participation Goal	Public Participation Goal	Public Participation Goal	Public Participation Goal	Public Participation Goal
To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, and/or solutions.	To obtain public feedback on analysis, alternatives, and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
Promise to the Public	Promise to the Public	Promise to the Public	Promise to the Public	Promise to the Public
We will keep you informed.	We will keep you informed, listen to, and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
Example Tools	Example Tools	Example Tools	Example Tools	Example Tools
<ul style="list-style-type: none"> ➤ Fact sheets ➤ Websites ➤ Open houses 	<ul style="list-style-type: none"> ➤ Public comment ➤ Focus groups ➤ Surveys ➤ Public meetings 	<ul style="list-style-type: none"> ➤ Workshops ➤ Deliberate polling 	<ul style="list-style-type: none"> ➤ Citizen Advisory Committee ➤ Consensus-building ➤ Participatory decision-making 	<ul style="list-style-type: none"> ➤ Citizen juries ➤ Ballots ➤ Delegated decisions

Source: International Association of Public Participation

What Meaningful Community Engagement Is vs. What It Is Not

Meaningful community engagement is a way to provide a deeper understanding of a project to members from any potentially affected community. It creates a space where ideas, issues, and concerns can be shared and listened to, and a multi-directional flow of dialogue exists. Input shared in these spaces should be documented and addressed, either by resolving the concerns or providing a thorough explanation as to why the issue or concern cannot be resolved. Engagement is the practice of constantly giving and receiving in an effort to build and maintain long-term working relationships between all those involved.

Meaningful community engagement is not attending community or special events with the sole intention of receiving buy-in or support for a project. It is not receiving input from the community and choosing not to address it. Meaningful community engagement community engagement is not a one-way method of communication. Meaningful community engagement²⁰

²⁰ [Overview of RUBIN Race and Equity-Focused Public Engagement Model.](#)

Different Engagement Activities and Models

Meaningful community engagement will look different depending on which phase the project is in when the engagement is occurring. Meaningful community engagement, even if it is conducted later in the process, is still important and can still produce positive and impactful results. Work with community partners to plan engagement activities. This bottom-up approach ensures that meetings are accessible and relevant to the community of focus, increasing participation and effectiveness. Planning in partnership with community members will also incorporate lived experiences, as opposed to the learned experiences of those outside the community, which can incorporate certain nuances to the activity to also make them more relevant for community members.

B. Assessing Quality of Engagement in Permits

Permit Applicant's Responsibility

- The permit applicant is responsible for providing sufficient documentation of all community engagement activities associated with their project as part of their complete permit application submitted to BCDC.²¹
- Without documentation of all project-related community engagement activities that occurred throughout the project's timeline, permit analysts are unable to recommend that the Commission makes the finding that the applicant has fulfilled BCDC's meaningful community engagement policy in order to approve the proposed project as consistent with BCDC's EJSE Policies.

Permit analysts should remind project proponents of their responsibility to document community engagement activities and to keep BCDC EJSE policies fresh in their mind as they navigate the local entitlement process and leading up to submittal of a BCDC permit application.

While there is no single metric that can provide a clear answer on whether or not the implemented community engagement was sufficient, permit analysts should review both qualitative and quantitative actions and outcomes to assess whether the engagement undertaken was "meaningful" or not.

For example, qualitative metrics may include community engagement summaries and narratives such as: who participated in the community engagement, and what groups do they represent (NGOs, people who live, work, recreate, pray, etc.)? Who is being impacted

²¹ Bay Plan EJSE Policy 3.

by the project? How were impacted communities involved/invited to participate in the process? What concerns, issues, or comments were shared by the community and how was it addressed in the project? If the community's comments were not addressed, explain why not.

Quantitative metrics, or numeric measures, may include how many people attended the meetings, how many workshops were held, or how many events were attended.

There are several illustrative, internal examples of permit applicants that conducted meaningful community engagement that can be referenced by analysts in their efforts to provide applicants with the best guidance possible. Examples can be found within the EJ Hub > Community Engagement Resources > Permit Applicant Reporting Examples. New examples will be uploaded as they become available.

These examples are not determinative of “meaningful community engagement” in the sense that if an applicant follows these examples that staff will necessarily and automatically deem that the applicant has undertaken meaningful community engagement in any given case. However, they should be viewed as past real-world examples where the Commission has approved a permit for a project, and both staff and the Commission consider the community engagement undertaken in those cases to be instructive examples for considering whether community engagement undertaken was meaningful or not.

BCDC EJ Team

BCDC's EJ Team can provide internal consultations and assist analysts as needed. Once a project has been determined by the analyst and their manager as requiring community engagement or having environmental justice implications, analysts should reach out to the senior manager of the EJ Team. They will decide who on their team will support that permit. After discussion, the permit analysts and the EJ Team member will decide whether the permit application is a good candidate for EJ Office Hours, where the analyst and EJ Team can discuss the project with other staff to collaborate on possible solutions or approaches. EJ Team members and the permit analyst may decide if it is appropriate for a EJ Team member to help provide input into a community engagement plan. EJ Team members may also choose to help implement that plan if the analyst or applicant feel additional support is needed. Analysts can also connect with the senior manager of the EJ Team to confirm whether it is appropriate to consult with the Environmental Justice Advisors (EJA) to identify locally based organizations to engage in outreach. This may be helpful if the analyst would like to get the advice and perspective from the EJA, who have additional expertise in community engagement.

Role of BCDC’s Environmental Justice Advisors

BCDC’s Environmental Justice Advisors are a group of community-based leaders that BCDC contracts with to provide programmatic advice regarding EJSE issues but does not evaluate specific permit applications for consistency with the Bay Plan EJSE Policies as part of the permit application process. However, the EJA are still a resource able to provide permit analysts with their insights on which organizations may be relevant to contact and connect with for projects occurring in specific areas in regards to EJSE engagement. The EJA represent communities across the Bay Area and have the expertise to highlight place-specific EJSE issues and stakeholders that may be relevant to a project proposal.

C. CEQA and NEPA Public Participation Requirements vs. BCDC’s Meaningful Community Engagement

Fulfilling the CEQA and NEPA Public Participation requirements alone are not necessarily sufficient to categorically satisfy the meaningful community engagement requirements of the EJSE Policies, but rather what constitutes meaningful community engagement for any given project proposal must be determined on the facts and circumstances presented.

The purpose of public participation during an assessment under the California Environmental Quality Act (CEQA) is to “evaluate public reactions to environmental issues related to the agency’s activities.”²² Generally speaking, the phases during a CEQA process where public participation occurs are during: (1) scoping meetings, (2) public noticing, (3) review periods for environmental documents such as a Negative Declaration or Environmental Impact Report draft, and (4) public hearings.

The bulk of public participation happens during the document review period. The focus of the review is to provide comments on the “sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated.”²³ (CEQA public participation processes are focused on informing the public of a project, and receiving public input on the scope of the potential environmental impacts that will be analyzed, and potential mitigation measures).

As a federal law, the National Environmental Policy Act (NEPA) requires public participation on actions taken by federal agencies. Agencies are required to provide

²² CEQA Guidelines Section 15201, codified at 14 CCR § 15201.

²³ CEQA Guidelines Section 15204(a), codified at 14 CCR § 15204(a).

opportunities for public participation when an agency begins the NEPA analysis (scoping) and when a NEPA document is published for public review and comment (review period).²⁴

D. BCDC Public-Facing Resources

BCDC has a [Community Vulnerability and CBO Directory mapping](#) tool resource with two functions, as explained below:

Community Vulnerability Mapping Tool:

- Recommended Use: Identifying vulnerable communities and understanding community characteristics

Step 1: Open BCDC's Community Vulnerability Mapping tool. Enter address of proposed project. Determine if the project is located in a block group that is ranked moderate (light orange or light pink), high (medium orange or medium pink), or highest (dark orange or dark pink).

Step 2: Explore the block group and census tract where the project is located on the mapping tool. Note the different characteristics: income, race, language spoken, displacement/gentrification status, contamination, pollution burden, public health indicators, etc. Community characteristics should be shared and discussed with the project proponent to inform their community engagement.

CBO Directory

- Recommended Use: Identifying community-based organizations

The CBO directory can be a helpful tool to identify community-based organizations in the project area for engagement. Expand the radius of your research to encompass the entire city and/or county where the project is located if necessary. Prioritize more localized organizations that may have strong connections to local communities compared to larger organizations that serve the entire Bay Area.

III. Best Practices for Meaningful Engagement

When conducting meaningful community engagement, there are certain best practices recommended by the EJ Team as explained below. Permit analysts should familiarize themselves with these practices and can offer them as suggestions to project applicants

²⁴ [EPA How Citizens can Comment and Participate in the NEPA Process.](#)

during the pre-application process or, if necessary, the permit application process. In addition, staff may use them for BCDC-led engagement activities:

This section draws material from several sources: (1) Resources collected during outreach with other public agencies, see resources here: [External Resources](#), EJ Hub > EJ in Permitting > Community Engagement Resources, and (2) [In-Person](#) workshop with EJ Advisors and BCDC Staff (see notes: EJA Meeting Breakout Group notes).

1. **Setting the Groundwork.** Do the homework and properly prepare for community engagement by getting to know the community.
 - Develop an understanding of community demographics, and social/contamination vulnerability characteristics.
 - Identify languages spoken.
 - Identify community-serving facilities that can host engagement activities.
 - Review the Community Vulnerability Mapping Tool.
 - Assess other contamination or polluting sources in the vicinity of the project area.
 - Contact and coordinate with agencies that have jurisdiction or decision-making authority over other project impacts to co-plan engagement activities with representatives from each entity.
 - This will reduce meeting fatigue for community members and organizations.
 - This will provide a forum where attendees can get their questions answered and their concerns addressed all in one place
 - Contact and coordinate with local jurisdictions and encourage their participation in the engagement activities as an effort to provide an opportunity for community members to build connections with an individual, and not only the institution they represent.
 - Participation/presence of public officials signals support and respect for the community process, their knowledge, and time contributed.
 - Identify and connect with community organizations who have existing relationships with the communities of interest.
 - Review the CBO Directory.
 - Consult with the EJ team and the EJ Advisors for recommendations.

- The EJ team may recommend developing a community engagement plan and can offer support both with the development and implementation of the plan as needed.
- Have a clear understanding of the impacts associated with the project to be best prepared for the focus of community conversations and concerns.
 - Have a clear understanding of BCDC’s authority (Bay resources, public access, etc.) and be prepared to coordinate with other agencies at a high level on other issues raised by the community (air quality, toxic sites, etc.), which can include conversations with affected agencies to determine if special considerations need to be made in the permit.
 - Have the project impacts and proposed mitigation strategies ready to be communicated in accessible plain language talking points and framed in ways that are relevant to the community.
 - Be prepared to communicate why project impacts may be unavoidable in accessible plain language.
 - Be prepared to communicate what the “costs” of non-implementation of the project will be for the community in the near- and long-term, as well of the benefits of implementing the project.

2. **Early Planning and Engagement Activities.** Start early and design the project with outreach and engagement in mind.

- During design of the project’s timeline and budget, make sure to allocate sufficient time for relationship and trust building with community partners early and throughout the process.
- During design of the project’s budget, allocate funding to compensate CBOs and community members for their time and expertise. Examples of compensation include gift cards for community members who participate, or payment to CBOs for planning meetings.
 - Include funding for food and beverages, providing childcare on-site, travel stipends.
- Have CBO collaborators participate as partners in planning and implementing community engagement activities, captured in a community engagement plan with the following elements:
 - Community engagement goals: Determine what are the goals of engagement as a whole?

- o Decision-making criteria: How will decisions be made by the agency and the permit applicants? How will public comments be incorporated into the project? How will conflict or disagreements be handled? Have a transparent and as accessible of a process as possible.
 - o Reporting mechanisms: How will feedback received be shared back out with the community at large?
 - o Accountability measures: How will the feedback provided be integrated or addressed into the project?
 - o Timeline: What is the timeline for community engagement activities and how do they fit into the project timeline as a whole?
 - o List of Communities of Focus: What are the communities that are the focus of engagement activities? What groups do they represent i.e. environmental groups, recreational users, people who live or work nearby?
 - o Engagement process: purpose/goal of each meeting, frequency, time and place of meetings.
 - o Compensation plan for participants: How will participants be compensated for their time and knowledge? Stipends, gas cards, transportation stipends, etc.
 - o Accessibility considerations: What are the most common languages being spoken? Plan for in-person translation services, use of plain language for all materials created for outreach, presentations, project information, etc.
3. **During/Throughout Engagement Activities.** Attend the scheduled events, provide updates, and answer questions.
- Maintain commitments to predetermined frequency of engagement activities.
 - o If changes need to be made – communicate with transparency to respect trust and relationship building.
 - Maintain an open line of communication with community members.
 - o Offer multiple opportunities for community members to ask questions.
 - Receive updates on the status of the project.
4. **Follow-Up Actions.** Maintain communication with the community after outreach.
- Host a follow-up meeting, event, or workshop.

- o Share out a final update about the project.
 - o Discuss how the feedback collected through engagement was or was not incorporated into the final project design.
 - o Share information on how they can stay involved/informed on project.
 - Share out a survey: online, by phone, and/or in-person.
 - o If in-person - Attend an already scheduled community event to share your survey.
 - o Ask about the participants' experience engaging in the process.
 - What worked best?
 - What didn't work?
 - How could it be improved?
5. **Different Models and Formats of Community Engagement.** There are a variety of engagement methods to suit various types of projects. (See [CARB Model for Community Engagement](#) for more ideas.)
- Interactive Workshops, Round Tables, Design Charrette. This is best for bringing in a group for more in-depth conversation about the project.
 - o Share out information.
 - o Make space for dialogue and feedback through breakout groups with prompts to guide the conversations.
 - o Document the responses shared.
 - o Report back out from each group.
 - o Discuss next steps, how input will be addressed, how will follow up will happen, how to get in contact with project team.
 - Community Events. This is good for briefly informing the public about the subject and getting feedback in terms of surveys and in-person conversation.
 - o Interactive tabling activities.
 - o Interactive tour around project site or community.
 - o Bring community members out so they can naturally discuss community needs, priorities.

- o Relationship building in a comfortable setting, creating trust before making the ask (for time, knowledge, input).
- Advisory Committee of Community Members. This is good for ongoing input in a long-term project.
 - o A small group of people that holds knowledge of their community’s priorities, needs, and concerns around the project or subject/matter.
 - o Can be involved early and often throughout the project to advise and influence positive change on behalf of their respective community.

V. Examples of Successful Community Engagement in BCDC Permits

India Basin Shoreline Park (San Francisco, 2025 - Permit No. 2023.008.00) The applicants, San Francisco Recreation and Parks District (RPD), began their community engagement efforts almost 10 years in advance of receiving their BCDC permit to construct a shoreline park in the Bayview Hunters Point neighborhood of San Francisco. BCDC’s Community Vulnerability Mapping Tool indicates that the community adjacent to the project area is within the “high” and “highest” levels of social vulnerability, and CalEnviroScreen indicates that the community is also within the “high” and “highest” levels of contamination vulnerability. In 2014, the RPD, along with local officials, established the India Basin Waterfront Task Force which comprised community leaders, landowners, and non-profit parks partners. The Task Force facilitated meetings with the community residents and the RPD reported holding more than 90 community and public meetings to gain feedback on the project, not including community events and festivals where the applicants also canvassed.

In 2018, the RPD and the Task Force worked with the community to create an Equitable Development Plan, the goals of which included supporting the development of the parks at India Basin, designed in partnership with the existing Bayview-Hunters Point community; mitigating displacement of the Black community living and working in Bayview-Hunters Point; acknowledging and correcting historic and systemic environmental injustices within Bayview-Hunters Point; providing sustained resources that support and guide ongoing community organizing, capacity-building, and decision-making efforts within Bayview Hunters Point; and leveraging the park as a catalyst for environmental remediation and regeneration. The RPD reported in their permit application that these engagement efforts

identified community priorities which were then incorporated into the project design, including the marine way lawn, the Bay Trail, and the floating dock.

Doolittle Drive Bay Trail (Oakland, 2025 - Permit No. M2020.006.00) The permit, issued to the East Bay Regional Parks District to renovate and construct a portion of the Bay Trail along Doolittle Drive in Oakland, part of the Martin Luther King Jr. Regional Shoreline Park, is considered a successful effort undertaken by permit applicants to engage with the local community. The applicants used the Community Vulnerability Mapping Tool, which showed that the proximate community of East Oakland had the highest level of social and contamination vulnerability. The applicants held multiple public meetings and invited community members. Community members were consulted at the meetings and had an opportunity to be directly involved in the decision-making process involving a beloved local landmark, Watermelon Rock, a painted piece of concrete rock in the shoreline that was set to be removed as part of the compensatory mitigation requirement. In a public meeting, community members were presented with different removal and replacement options for Watermelon Rock and they voted to have the rock removed during construction and replaced within the shoreline band after the project was completed, which was then included in the project design and incorporated into the permit.

Cargill Salt Ponds Operations & Maintenance Permit (2025) Cargill, Inc. (Permit No. 2021.003.00) also made extensive community outreach attempts. The applicants held multiple outreach events to educate the public on the proposed project, including two informational meetings that were simultaneously translated into Spanish. BCDC staff also initiated tribal consultation and invited tribal representatives to comment on the project and share any information regarding possible Native American cultural resources which could potentially exist on the project site, and identify any other potential concerns related to the proposed project. After consultation with the Confederated Villages of Lisjan Nation, the final Environmental Assessment was revised to include measures to train Cargill staff on how to handle the inadvertent discovery of tribal resources.

Appendix A: Relevant Bay Plan EJSE Findings and Policies

Relevant Bay Plan Findings and Policies:

EJSE

Findings a, b, c, d, e, f, g, h, i, j, k, l, m:

- a. Throughout the 1990s, federal and state governments began including environmental justice in law and policy to ensure that people regardless of race, culture, and income were treated fairly. This came in response to the environmental justice movement that protested discriminatory and unfair policies implemented at all levels of government resulting in generations of communities of color facing: persistent poverty; poor public health; inadequate public services and infrastructure; disproportionate exposure to polluted air, water, and soil; and underrepresentation in policymaking. The co-location of incompatible land uses, aggregation of industrial development, lack of enforcement over polluting land uses, and prioritization of business interests over public health have resulted in disproportionate environmental burdens and adverse health issues for many low-income communities of color. The San Francisco Bay Area is no exception to these development patterns as many land uses with noxious impacts are co-located with low-income communities of color.
- b. The Commission, as one of the agencies involved in the entitlement process, has played a role in approving development and any consequential injustices. Many industrial land uses around the Bay were established prior to the Commission's existence. Although the Commission neither initiates projects nor has any authority over municipal zoning or siting authority, through its permitting authority, the Commission has approved additional development projects to existing ports, oil and gas operations, sewage and wastewater treatment plants, and heavy industry in or near low-income communities of color around the Bay Area. Moreover, the Commission's Priority Use Areas, intended to minimize the necessity for future Bay fill, has also facilitated the aggregation of pollution sources within areas designated for Port and Water-Related Industry Priority Use Areas. Part of the Commission's founding mandate is to encourage the development of the Bay and its shoreline to their highest potential with a minimum of Bay fill, as expressed in the McAtteer-Petris Act and San Francisco Bay Plan. Without explicitly addressing and accounting for potential negative impacts to low-income communities of color, the Commission's encouragement of such development patterns may have inadvertently contributed to the physical and cultural displacement of these Bay Area communities.

- c. The Commission recognizes that California Native American communities have also faced many environmental injustices and social inequities. However, the Commission has not dedicated institutional resources to tribal issues and cultivating relationships with California Native American communities. As a result, these issues have not been addressed in the Bay Plan. The Commission acknowledges the need to build these relationships and address tribal issues going forward.
- d. Under Title VI of the Civil Rights Act of 1964 and California Government Code §11135, the Commission’s actions when considering and acting on proposed projects and requiring public access to the Bay and its shoreline should be non-discriminatory for all people regardless of race, national origin, ethnic group identification religion, age, sex, sexual orientation, color, genetic information, or disability.
- e. The State of California 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, Part IV Development of the Bay and Shoreline: Findings and Policies San Francisco Bay Plan Reprinted March 2025 35 regulations, and policies.” (California Government Code §65040.12(e)).
- f. According to the U.S. Environmental Protection Agency “fair treatment means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.” (Guidance on Considering Environmental Justice During the Development of a Regulatory Action).
- g. Addressing social equity in policy is essential for the economy, health of a population, and community well-being. Additionally, addressing social equity in climate policies is vital to building resilience. In its 2017 General Plan Guidelines, the Governor’s Office of Planning and Research includes the following definition for 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).
- h. The Commission recognizes the importance of low-income communities of color as invaluable stakeholders and is committed to uplifting the voices of communities who have been historically excluded from decision-making processes. While there is no widespread agreement on terminology to describe communities with certain attributes, for the purposes of the Bay Plan, the following definitions are used: The State of

California defines disadvantaged communities as including, but not limited to “[...] (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). The Commission recognizes that 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. The co-location of areas with current and future flood risk and high concentrations of households exhibiting factors that can reduce access to or capacity for preparedness and recovery are therefore 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. Underrepresented community is used to describe those who have been historically and are still systematically excluded from political and policy-making processes, which includes many disadvantaged and vulnerable communities.

- i. Meaningfully involving impacted communities is essential to addressing environmental justice. According to the U.S. Environmental Protection Agency, meaningful involvement means “(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.” (Guidance on Considering Environmental Justice During the Development of a Regulatory Action). San Francisco Bay Plan Reprinted March 2025 36
- j. Drawing on the expertise of environmental justice and community-based organizations, the Commission has committed to the following guiding principles to integrate environmental justice and social equity into its mission. The Commission will:
 - Recognize and acknowledge the California Native American communities who first inhabited the Bay Area and their cultural connection to the natural resources of the region.
 - Maintain its commitment to ensuring that the Bay remains a public resource,

free and safe for all to access and use regardless of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability. • Continually strive to build trust and partnerships with underrepresented communities and community-based organizations. • Endeavor to eliminate disproportionate adverse economic, environmental, and social project impacts caused by Commission actions and activities, particularly in disadvantaged and vulnerable communities. • Ensure that the needs of vulnerable shoreline communities are addressed as the Commission assists all stakeholders plan for current and future climate hazards. • Work collaboratively and coordinate with all stakeholders to address issues of environmental justice and social equity. • Continually build accountability, transparency, and accessibility into its programs and processes.

- k. Equitable and culturally-relevant community outreach and engagement is at the heart of environmental justice and necessary for meaningful involvement. Many public processes are currently not accessible to all, as there are barriers to participation for low income people, working people, parents and guardians, people of color, people that have limited English language skills, people with disabilities, people with limited transportation options, and others. Meaningfully involving underrepresented communities may require additional and more targeted efforts, such as equitable and culturally-relevant outreach and engagement. Consistent community outreach and engagement from the start of a project and throughout project design, permitting, and construction are necessary for addressing environmental justice and social equity. If outreach and engagement are indeed conducted from the onset of the project, much of this would, and should, occur during the local government's discretionary approval process prior to the Commission's involvement.
- l. Identifying whether a community would be disproportionately impacted by a project is an initial step in addressing environmental justice. Taking steps to reduce such disproportionality can help ensure people are being treated fairly regardless of race, culture, and income.
- m. As local governments retain most land use authority in California, collaborating and coordinating with local governments in the development of their general plans and zoning ordinances can aid in creating an environmentally just and socially equitable Bay Area. Many issues related to environmental justice and social equity may fall outside the Commission's authority or jurisdiction but may be within the purview of another federal, state, or regional agency. Collaborating and working across sectors and authorities can help to address environmental justice and social equity.

Policies 1, 2, 3, 4

1. The Commission's guiding principles on environmental justice and social equity should shape all of its actions and activities.
2. Since addressing issues of environmental justice and social equity should begin as early as possible in the project planning process, the Commission should support, encourage, and request local governments to include environmental justice and social equity in their San Francisco Bay Plan Reprinted March 2025 37 general plans, zoning ordinances, and in their discretionary approval processes. Additionally, the Commission should provide leadership in collaborating transparently with other agencies on issues related to environmental justice and social equity that may affect the Commission's authority or jurisdiction.
3. Equitable, culturally-relevant community outreach and engagement should be conducted by local governments and project applicants to meaningfully involve potentially impacted communities for major projects and appropriate minor projects in underrepresented and/or identified vulnerable and/or disadvantaged communities, and such outreach and engagement should continue throughout the Commission review and permitting processes. Evidence of how community concerns were addressed should be provided. If such previous outreach and engagement did not occur, further outreach and engagement should be conducted prior to Commission action.
4. If a project is proposed within an underrepresented and/or identified vulnerable and/or disadvantaged community, potential disproportionate impacts should be identified in collaboration with the potentially impacted communities. Local governments and the Commission should take measures through environmental review and permitting processes, within the scope of their respective authorities, to require mitigation for disproportionate adverse project impacts on the identified vulnerable or disadvantaged communities in which the project is proposed.

Public Access

Findings b, c, e, h, i

b. Access to the Bay allows the public to discover, experience and appreciate the Bay's natural resources and can foster public support for Bay resource protection, including habitat acquisition and restoration. Public access can provide for recreational activities, educational and interpretive opportunities, subsistence fishing, and means for alternative transportation. The Bay and its shoreline can also be refuges from heat and noise and can offer relief from crowded, often stressful, urban areas, thereby contributing to well-being.

c. Public access required by the Commission is an integral component of development and usually consists of pedestrian and other nonmotorized access to and along the shoreline of San Francisco Bay. In general, public access to the Bay is free and available to all users. It may include certain improvements, such as paving, landscaping, street furniture, restrooms, and drinking fountains; and it may allow for uses, such as bicycling, fishing, picnicking, nature education, public programming that activates the shoreline, etc. Visual access to the Bay is a critical part of public access. Public access spaces can promote local identity through programming, which may include educational, cultural, civic, health and wellness, or other activities. In projects that cannot provide onsite public access due to safety or use conflicts, including significant adverse effects on wildlife, in lieu public access may be appropriate.

e. Although public access to the approximately 1,000-mile Bay shoreline has increased significantly since the adoption of the Bay Plan in 1968, demand for additional public access to the Bay continues due to a growing Bay Area population and the desirability of shoreline access areas. Diverse public access experiences are in great demand, both along urban waterfronts and in more natural areas. The full potential for access to the Bay has by no means yet been reached. Additionally, certain communities may be physically and/ or culturally disconnected from public access areas due to land use patterns, poor public transit, lack of safe bicycle and walking paths, language barriers, economic barriers, and/or culturally inaccessible designs.

h. Public access is not equally or evenly distributed around the Bay, nor are all public access areas of the same quality, due to varying levels of resources for improvements, maintenance, and amenities. Often public access areas near identified vulnerable or disadvantaged communities are difficult to access, poorly maintained, infrequently improved, and/or do not serve the needs of the local community. This can perpetuate cycles of avoidance, underuse, neglect, and in extreme cases, loss of public access to the Bay. However, there remains a need to better understand where these gaps and inconsistencies are located regionally in order to address them and provide more equitable and convenient public access that reflects the culture(s) of the local community and meets the needs of its residents.

i. Designing and programming public access in a manner that is welcoming to all creates public spaces that are well-loved and cared for by their users and can help account for unintended consequences, such as low usage or a sense of exclusion by specific communities. Meaningful involvement of underrepresented communities in the project planning, design, and ongoing maintenance phases can help address this, as well as cultivate community empowerment, lifelong stewardship, a sense of ownership, and

connections to public access areas and the Bay. The design and programming of public access can also engender a welcoming atmosphere for all by embracing the multicultural and indigenous histories and presence of the surrounding area.

Policies 2, 5, 8, 13

2. In addition to the public access to the Bay provided by waterfront parks, beaches, marinas, and fishing piers, maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline, whether it be for housing, industry, port, airport, public facility, wildlife area, or other use, except in cases where public access would be clearly inconsistent with the project because of public safety considerations or significant use conflicts, including unavoidable, significant adverse effects on Bay natural resources. In these cases, in lieu access at another location preferably near the project should be provided. If in lieu public access is required and cannot be provided near the project site, the required access should be located preferably near identified vulnerable or disadvantaged communities lacking well-maintained and convenient public access in order to foster more equitable public access around the Bay Area.

5. Public access that substantially changes the use or character of the site should be sited, designed, and managed based on meaningful community involvement to create public access that is inclusive and welcoming to all and embraces local multicultural and indigenous history and presence. In particular, vulnerable, disadvantaged, and/or underrepresented communities should be involved. If such previous outreach and engagement did not occur, further outreach and engagement should be conducted prior to Commission action.

8. Public access improvements provided as a condition of any approval should be consistent with the project, the culture(s) of the local community, and the physical environment, including protection of Bay natural resources, such as aquatic life, wildlife and plant communities, and provide for the public's safety and convenience. The improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should provide barrier free access for persons with disabilities, for people of all income levels, and for people of all cultures to the maximum feasible extent, should include an ongoing maintenance program, and should be identified with appropriate signs, including using appropriate languages or culturally-relevant icon-based signage.

13. The Public Access Design Guidelines should be used as a guide to siting and designing public access consistent with a proposed project. The Design Review Board should advise

the Commission regarding the adequacy of the public access proposed. The Design Review Board should encourage diverse public access to meet the needs of a growing and diversifying population. Public access should be well distributed around the Bay and designed or improved to accommodate a broad range of activities for people of all races, cultures, ages, income levels, and abilities.

Shoreline Protection

Findings c, g, i, j

c. Most structural shoreline protection projects involve some fill, which can adversely affect natural resources, such as water surface area and volume, tidal circulation, and wildlife use. Structural shoreline protection can further cause erosion of tidal wetlands and tidal flats, prevent wetland migration to accommodate sea level rise, create a barrier to physical and visual public access to the Bay, create a false sense of security and may have cumulative impacts. Physical and visual public access can be provided on levees and other protection structures. As the rate of sea level rise accelerates and the potential for shoreline flooding increases, the demand for new shoreline protection projects will likely increase. Some projects may involve extensive amounts of fill. Occasionally, riprap and other structural protection can reduce the public's ability to safely access the waters of the Bay. In these cases, the shoreline protection structure can conflict with the Commission's commitment to providing safe public water access

g. Some hardened shoreline protection structures may intensify wave reflection and contribute to shoreline erosion and overtopping at adjacent or nearby vulnerable areas. At all sites, but particularly at sites in or adjacent to lower income communities that may lack resources to adequately protect their shoreline, it is important to design projects to minimize such impacts. Given the appropriate site conditions, natural and nature-based shoreline protection methods can dissipate wave energy more effectively than certain types of hardened shoreline protection structures, diminishing wave reflection impacts such as accelerated erosion and flooding in adjacent or nearby areas.

i. The use of natural and nature-based features provides additional benefits beyond shoreline protection, including habitat, water quality improvement, carbon sequestration, recreation, and more. Because these benefits are provided, natural and nature based shoreline protection approaches are sometimes considered self-mitigating.

j. Loose dirt, concrete slabs, asphalt, bricks, scrap lumber and other kinds of debris, are generally ineffective in halting shoreline erosion or preventing flooding and may lead to increased fill or release of pollutants. Although providing some short-term shoreline protection, protective structures constructed of such debris materials typically fail rapidly

in storm conditions because the material slides bayward or is washed offshore. Repairing these ineffective structures requires additional material to be placed along the shoreline, leading to unnecessary fill and disturbance of natural resources.

Policies 1, 2, 6, 7

1. New shoreline protection projects and the maintenance or reconstruction of existing projects and uses should be authorized if: (a) the project is necessary to provide flood or erosion protection for (i) existing development, use or infrastructure, or (ii) proposed development, use or infrastructure that is consistent with other Bay Plan policies; (b) the type of the protective structure is appropriate for the project site, the uses to be protected, and the causes and conditions of erosion and flooding at the site; (c) the project is properly engineered to provide erosion control and flood protection for the expected life of the project based on a 100-year flood event that takes future sea level rise into account; (d) the project is properly designed and constructed to prevent significant impediments to physical and visual public access; (e) the protection is integrated with current or planned adjacent shoreline protection measures; and (f) adverse impacts to adjacent or nearby areas, such as increased flooding or accelerated erosion, are avoided or minimized. If such impacts cannot be avoided or minimized, measures to compensate should be required. Professionals knowledgeable of the Commission's concerns, such as civil engineers experienced in coastal processes, should participate in the design.

2. Equitable and culturally-relevant community outreach and engagement should be conducted to meaningfully involve nearby communities for all shoreline protection project planning and design processes – other than maintenance and in-kind repairs to existing protection structures or small shoreline protection projects – in order to supplement technical analysis with local expertise and traditional knowledge and reduce unintended consequences. In particular, vulnerable, disadvantaged, and/or underrepresented communities should be involved. If such previous outreach and engagement did not occur, further outreach and engagement should be conducted prior to Commission action.

6. Adverse impacts to natural resources and public access from new shoreline protection should be avoided. When feasible, shoreline protection projects should include components to retain safe and convenient water access, for activities such as fishing, swimming, and boating, especially in communities lacking such access. Where significant impacts cannot be avoided, mitigation or alternative public access should be provided. Shoreline protection projects that include natural and nature-based features may be self-mitigating or require less mitigation than projects that do not include any natural or nature-based features.

7. The Commission should encourage pilot and demonstration projects to research and demonstrate the benefits of incorporating natural and nature-based techniques in San Francisco Bay

Mitigation

Findings f, h

f. Natural resource areas provide various benefits to human welfare, including climate regulation, flood protection, erosion control, and recreational and aesthetic benefits. Therefore, there may be social and economic effects on nearby communities as a result of impacts on existing resource areas and the siting and design of compensatory mitigation projects. Further, these effects may not be evenly distributed among nearby communities.

h. There are a multitude of benefits created by meaningfully involving underrepresented communities in mitigation projects including new approaches and perspectives, fostering new stewardship, community empowerment, and the creation of new cross-cultural partnerships. Specifically, there may be opportunities to involve communities in project planning, implementation, monitoring, on-site education programs, and other public programming at the site.

Policies 3, 4, 10

3. For major and appropriate minor projects that require compensatory mitigation, communities surrounding both the project and the compensatory mitigation site should be meaningfully involved in an equitable and culturally-relevant manner. In particular, vulnerable, disadvantaged, and/ or underrepresented communities should be involved. This should include consultation with the community in the identification and prioritization of potential projects, and in the monitoring and programming of a mitigation site. If such previous outreach and engagement did not occur, further outreach and engagement should be conducted prior to Commission action.

4. When determining the appropriate location and design of compensatory mitigation, the Commission should also consider potential effects on benefits provided to humans from Bay natural resources, including economic (e.g., flood protection, erosion control) and social (e.g., aesthetic benefits, recreational opportunities) benefits and whether the distribution of such benefits is equitable.

10. If more than one mitigation program is proposed, the Commission should consider the cost of the alternatives in determining the appropriate program, as well as equitably consider the priorities and concerns of surrounding communities.

Appendix B: Glossary

Disadvantaged Community²⁵

- “Disadvantaged community” means a community identified based on geographic, socioeconomic, public health, and environmental hazard criteria, including but not limited to, either of the following: areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation; or 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.

Diversity

- “Diversity” means the variety in the racial, ethnic, geographic, economic, and gender characteristics of the population of California.

Environmental Justice

- “Environmental Justice” means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. (*California Public Resources Code § 30107.3(a)*; *California Government Code § 65040.12(e)(1)*)²⁶ and with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities. (*California Government Code § 56668(p)*)

Equity

- “Equity” means the consistent and systematic treatment of all individuals in a fair, just, and impartial manner, including individuals who belong to communities that often have been denied such treatment, such as Black, Latino, Indigenous and Native American, Asian American, Native Hawaiian, and Pacific Islander persons and other persons of color; members of religious minorities; women and girls; LGBTQI+ persons; persons with disabilities; persons who live in rural areas; persons who live in United States Territories; persons otherwise adversely affected by persistent poverty or inequality; and individuals who belong to multiple such

²⁵ EJSE Finding h.

²⁶ EJSE Finding e.

communities. (88 FR 10825 (Executive Order No. 14091, Sec. 10 (2023)) (88 F.R. 71357 (Executive Order No. 14058, Sec. 3(d) (2021)))

Fair Treatment²⁷

- Means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

Meaningful Involvement²⁸

- (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.

Meaningful Engagement

- “Meaningful Engagement” means the timely engagement with pertinent stakeholders and/or their representatives in the plan development or plan revision process. Such engagement should not be disproportionate in favor of certain stakeholders and should be informed by available best practices. (40 C.F.R. § 60.21(a)(k))

Race

- “Race or ethnicity” includes ancestry, color, ethnic group identification, and ethnic background. “Race” is inclusive of traits associated with race, including, but not limited to, hair texture and protective hairstyles. (California Education Code § 212.1(a)-(c))

Racial Equity

- “Racial equity” means efforts to ensure race can no longer be used to predict life well-being, outcomes, and conditions for all groups. (California Government Code § 8303(b)) “Racial equity” also means the condition achieved when race can no longer be used to predict life outcomes and when conditions for all groups are improved. Racial equity includes transforming the behaviors, institutions, and systems that

²⁷ EJSE Finding f.

²⁸ EJSE Finding i.

harm disparately impacted communities, including by increasing access to power, redistributing and providing additional resources, and eliminating barriers to opportunity, in order to empower Black, Indigenous, and communities of color to thrive and realize their full potential. (*California Health & Safety Code § 140(g)(4)*)

Social Equity²⁹

- “Social equity” means 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; San Francisco Bay Plan, Environmental Justice and Social Equity, Finding g*)

Underrepresented Communities³⁰

- Describes those who have been historically and are still systematically excluded from political and policymaking processes, which includes many disadvantaged and vulnerable communities.

Vulnerable Communities³¹

- Very low-income communities and/or communities of color are particularly important, as these demographic factors compound other relevant indicators. The colocation of areas with current and future flood risk and high concentrations of households exhibiting factors that can reduce access to or capacity for preparedness and recovery are considered vulnerable.

Citation Index

- A. BPA No. 2-17 Final Staff Recommendation
 - Staff Report and Recommendation for Proposed Bay Plan Amendment No. 2-17 Concerning Social Equity and Environmental Justice, dated October 4, 2019 for Commission consideration at October 17, 2019 Commission meeting.
- B. EJSE
 - Environmental justice and social equity, generally; or Bay Plan Environmental Justice and Social Equity Findings and Policies, specifically.

²⁹ EJSE Finding g.

³⁰ EJSE Finding h.

³¹ EJSE Finding h.

C. BPA No. 2-17 Background Report

- Staff Report, Toward Equitable Shorelines: Environmental Justice and Social Equity at the San Francisco Bay Background Report in Support of Bay Plan Amendment No. 2-17, dated June 7, 2019.

DRAFT