

{ version January 2005 }

**CALIFORNIA BAY-DELTA AUTHORITY**  
**CALFED**  
**Bay-Delta Public Advisory Committee**  
**Environmental Justice Subcommittee**

## **Guidelines**

### **Overview**

Ensure that the Implementation Principle for Environmental Justice is integrated and met by all program elements. The Implementation Principle states that the CALFED will seek fair treatment of people of all races, cultures, and incomes. CALFED programs, policies and actions shall not cause any segment of the population to bear disproportionately high or adverse health, environmental, social or economic impacts. CALFED is responsible for ensuring this is carried out across all program elements through the development of environmental justice goals and objectives.

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### **OBJECTIVES**

- 1. Environmental Justice Subcommittee (EJSC), CALFED program staff, and Bay-Delta Public Advisory Committee (BDPAC) Subcommittees shall develop and integrate program-wide environmental justice goals, objectives, strategies, and targets into CALFED programs.*
- 2. Develop annual Environmental Justice (EJ) Work Plan. The EJSC shall assist programs with implementation of program-wide goals, objectives, strategies, and targets. These shall be included as part of each program plan.*
- 3. Ensure meaningful and substantive participation of CALFED Agencies, community-based organizations, tribes, and environmental justice interest groups in CALFED program planning, program implementation, and decision-making, including BDPAC Subcommittee and regional workgroups.*
- 4. Develop and implement a CALFED program-wide environmental justice education and technical assistance program.*
- 5. Strengthen existing capacity of CALFED implementing agencies to identify, evaluate, and avoid/mitigate environmental injustices.*
- 6. Identify and address priority environmental justice issues in each CALFED region and program.*

## **GUIDELINES FOR ALL PROGRAM AREAS:**

### Funding

1. Each CALFED Program shall provide funding support for a reasonable portion of EJ actions and initiatives designed to provide direct and quantifiable benefit to each Program.
2. Establish a minimum equitable funding level that qualifies E J communities for additional assistance, particularly with PSPs/RFPs.
3. Establish a minimum funding level in each Program area for Capacity Building and Education to better prepare underserved areas to respond effectively to funding opportunities.

### Capacity Building

4. Prioritize projects that form partnerships with local community-based organizations, tribes, watershed groups, and other entities. Prioritize projects that create local employment opportunities.
5. Reduce, where possible, application costs and other fiscal or financial requirements to grant applicants from EJ communities for matching fund, cost-benefit analysis, and other commonly used grant proposal requirements. Establish protocol(s) to assist applicants from EJ communities to obtain necessary training and support to compete effectively in proposal solicitation processes (PSP).
6. CALFED shall, to the extent practicable, contract with non-profit agencies, community based organizations, watershed groups and others with expertise in providing PSP/RFP technical assistance and capacity-building to facilitate EJ community participation in programs.

### Public Participation

7. Conduct CALFED meetings, workshops, and conferences in a manner that provides meaningful opportunities for enhanced public participation and outreach to EJ communities in accordance with the stakeholder consultation requirements of the ROD.
8. Project design and implementation should occur only after engaging EJ communities in a meaningful public participation process. Reasonable time to integrate stakeholder interests and concerns is an essential element.
9. Inclusion of EJSC members and other stakeholders on grant, Program Solicitation Packages/Requests for Proposals (PSP/RFP), loan, and other funding mechanism review/selection committees.
10. Move forward with the project only after engaging the affected communities in meaningful public participation in accordance with the stakeholder consultation requirements in the Record of Decision (ROD). Allow time to integrate stakeholder suggestions into the proposed plans.
11. Track program participation levels from EJ communities to evaluate adequacy of outreach efforts.

### Program Development/Management

12. CALFED and implementing agency staff shall participate in EJ training and education activities conducted by EJ section and/or EJSC.
13. Each proposed and current CALFED program action should address and consider the impact of cultural and historical concerns of EJ and Tribal communities.

14. A comprehensive EJ Analysis on each CALFED projects with a minimum value of five hundred thousand dollars (\$500,000) shall be conducted by the EJSC in consultation with the respective CALFED Program and subcommittee.
15. For CALFED Annual Report, map all CBDA project funds and determine those that went to EJ and tribal communities by program area and region.

**Research.**

16. Develop GIS maps identifying geographic, demographic, economic, and socio-economic indicators of EJ and Tribal communities in relation to CALFED programs, projects and funding.
17. For CALFED Annual Report, develop GIS map of California’s urban and rural communities based on race, culture and income, in conformity with Federal Executive Order 12898

## **Program Elements**

**SCIENCE**

EJ concepts and concerns shall be considered in Adaptive Management analysis to CALFED actions.

CALFED science-based analyses and assessments of projects and plans shall include EJ communities and issues of concern as part of the process to analyze and report on CALFED program actions.

Provide CALFED EJ section and stakeholders meaningful opportunity to provide input into Science panels, workshops and other outreach/public participation efforts.

Promote and encourage production of white papers on topics of concerns to EJ communities, in consultation with EJSC.

Include meaningful role for EJ in annual Science conference, State of the Estuary Conference (and Journal), Pacific Climate Conference, and other relevant events and activities.

**Targets:**

1. *Incorporate science and peer review into annual EJ Workplan activities.*

**STORAGE**

Quantification of direct economic and socioeconomic impacts to residents of communities in proposed project areas are analyzed and considered in planning and implementation process.

**Targets**

1. *Develop a mitigation plan through community-based research on economic and socio-economic impacts*

*of land retirement. Develop mitigation plan through community-based research on impacts of land following in water source areas.*

*2. Analysis of economic and socioeconomic impacts on farm worker and other EJ communities as a result of surface storage actions*

## **CONVEYANCE**

Ensure water supply reliability, flood control/protection, and drinking water quality benefits are shared equally among Delta and other affected communities by a process that incorporates representatives from potentially affected communities in workshops and other public participation efforts in conjunction with the EJSC.

### **Targets**

- 1. Analyze whether EJ impacts may result from increase to 8,500cfs and permanent operable barriers.*
- 2. EJ analysis and assessment during EIR/EIS phase for Lower San Joaquin Flood Improvements*
- 3. Assist in stakeholder outreach and public participation process for Old River and Rock Slough Water Quality Improvements projects*
- 4. Coordinate and assist EJ analysis of the following projects:*
  - a. North Delta Flood Control and Ecosystem Restoration Improvements Program*
  - b. Delta Mendota Canal/California Aqueduct Inter-tie*
  - c. San Luis Reservoir Low Point Improvement Program*
- 5. Analyze whether EJ impacts result from lowering groundwater levels in conjunctive use water transfer transactions to EWA and drought banks. Analyze conveyance infrastructure needed to mitigate manipulated groundwater levels from conjunctive use projects supporting water transfers.*

## **WATER USE EFFICIENCY**

Ensure meaningful participation of EJ communities in the planning and development of cost-effective water conservation, recycling, desalination and other innovative practices. This requires deliberate and comprehensive technical assistance, outreach, and capacity building in selected communities.

Continuation of consensus based and collaborative PSP process to include workshops, trainings and technical assistance in communities of color and underserved communities seeking water use efficiency funding. This shall include focused effort to create broad-based PSP selection panels that understand EJ and tribal communities. PSP advertisement and dissemination can be improved through outreach and consultation in selected EJ communities and stakeholders.

### **Targets**

- 1. State of California Desalination Task Force Environmental Justice recommendations: include a) designation of seawater in proximity to desalination intakes as a recognized, regulated drinking water beneficial use; b) cost-benefit analysis of desalination; c) equitable access to benefits from desalination projects; d) feasible mitigation of environmental impacts*
- 2. Fund education and research on water recycling for regional water supply portfolio*
- 3. Develop uniform building codes requiring water efficient plumbing technology for new construction and standards for retrofits to mitigate demand from new construction projects.*

#### *4. Fund post construction follow-up on California's Model Water Efficient Landscape Ordinance*

## **WATER TRANSFERS**

Ensure that as the water transfer market develops, it occurs through open, transparent, and collaborative processes that include representatives from potentially-affected communities in both sellers and buyers regions. Process must include analysis of all conceivable impacts to both regions and consider a broad range of mitigation and other alternatives.

Socioeconomic impacts and effects to disadvantaged communities must be addressed, particularly the effects of crop/land idling, water shortages, rationing, short- and long-term transfers, and impacts on social services and facilities.

### **Targets**

- 1. Conduct (second) EJ water transfers survey on an analysis of third-party impacts of long-term transfers.*
- 2. Enhance capabilities of "On Tap" program to be more publicly accessible as a clearinghouse of information about proposed water transfers. Information regarding partners, pricing, timing, scope, duration, and other factors should provide a framework for comprehensive analysis of any proposed water transfer.*
- 3. Identify intended use of transferred water.*
- 4. Analyze whether EJ impacts result from dropping groundwater levels in conjunctive use water transfer transactions to EWA and drought banks. Analyze conveyance infrastructure needed to mitigate manipulated groundwater levels from conjunctive use projects supporting water transfers.*
- 5. Provide public participation report detailing levels of meaningful public participation in decision-making process from vulnerable sub-populations.*
- 6. Provide verification of financial and other benefits to communities from water transfer proceeds and other mitigation efforts.*

## **ECOSYSTEM RESTORATION**

Ensure meaningful participation of EJ and tribal communities in the implementation of CALFED's final mercury strategy. This should include information sharing, capacity building, technical assistance and training. CALFED should consider historical, traditional, and cultural practices of affected communities that are affected by and contribute to mercury contamination and dissemination.

Provide support for ongoing efforts begun in Lake County, to convene agencies, communities and others in dialogue and processes to better understand and address mercury pollution and provide education, training and technical assistance to support mitigation efforts in and among affected communities.

### **Targets**

- 1. Ensure that funding of the CALFED methylation mechanisms studies are incorporated to*

- remediation plans.*
2. *Peer review or expert commentary that reflects an understanding and incorporation of EJ analysis should be an essential element of project evaluations.*
  3. *Provide technical assistance and training funds for EJ community restorations.*
  4. *Increase cooperation on implementation, mitigation, and outreach efforts to EJ communities of the CALFED Mercury Strategy.*

## **ENVIROMENTAL WATER ACCOUNT**

Promote inclusion of tribal, subsistence fishing, and other EJ communities in deliberative process to assess and recommend actions on future of EWA to better ensure wider community concern, knowledge and history of fish and species protection can contribute to the EWA process.

### **Targets**

1. *Provide public participation report detailing levels of meaningful public participation in decision-making process from vulnerable sub-populations.*
2. *Provide verification of financial and other benefits to communities from water transfer proceeds and other mitigation efforts.*
3. *Identify/ map the location of the immediate environmental benefit from individual water procurements and the ultimate location/ use of the water quantity purchased.*

## **WATERSHED MANAGEMENT**

Watershed education, programs, funding, and technical assistance in all communities that have EJ characteristics and/or concerns should continue to be expanded.

Continuation of consensus based and collaborative PSP process to include workshops, trainings and technical assistance in communities of color and underserved communities seeking watershed funding. This must include focused effort to create broad-based PSP selection panels that understand EJ and tribal communities. Improve PSP advertisement and dissemination through outreach and consultation with EJSC.

Completion of watershed mapping focused on EJ communities in order to promote better watershed understanding, knowledge and identification.

Support for recently initiated watershed efforts such as the California Watershed Council.

### **Targets**

1. *Grant funds should be distributed to various and different landscape types.*
2. *Provide technical and grant writing assistance to interested grant proposal applicants, including but not limited to previous unsuccessful grant applicants.*
3. *Watershed Program contributes directly toward implementation of EJ workplan tasks related to GIS mapping and outreach to watershed groups.*

## **DRINKING WATER QUALITY**

Ensure that DW framework, based on the concept of Equivalent Level of Public Health Protection (ELPH), includes broad-based representation of all vulnerable sub-populations in planning, outreach, education, and decision-making process on source improvement, conveyance operations and storage programs. Vulnerable populations can be defined as those with immuno-deficiencies, children and the elderly, and those who are disproportionately impacted by environmental burdens. Efforts must be undertaken to provide adequate technical assistance and capacity building to potentially affected communities so that options can be generated that incorporate concerns of potentially affected communities with regard to source water exchanges, non-point source of pollution and delivered water quality. Particular attention and directed actions should address, through broad-based community outreach and participation processes the impacts and mitigation of arsenic, MTBE, nitrate, perchlorate, , bromide and other contaminants of concern.

### **Targets**

#### *1. Needs Assessment*

*Objective: Increase CALFED's current understanding of infrastructure and capacity needs of vulnerable populations affected by DWQ programs.*

*Action: Collaborate with CDHS to perform a Needs Assessment of Drinking Water infrastructure and capacity that quantifies the resources needed to meet drinking water needs for vulnerable populations in the CBDA Solution Area. This effort could begin with Central Valley Drinking Water Policy Program.*

*Performance Measures: Annual report by DHS to DWS on status of needs assessment, and efforts to improve TMF (Technical, Managerial, and Financial) capacity of identified at-risk systems.*

*Prioritization of projects for funding based upon updated needs assessments.*

*CDHS presentation or workshop including a status update.*

*Inclusion of needs assessment in regional ELPH programs*

*Recommendations to DHS and DWR conducting and evaluating needs assessment*

#### *2. Source Water Protection*

*Objective A: Recognize seawater as a drinking water source. Use CDHS SWAP program to identify source water threats impacting EJ communities within CALFED solution area.*

*Action: Support the State Desalination Task Force Environmental Justice recommendations, which include investigating the designation of seawater in proximity to desalination intakes as a recognized, regulated drinking water beneficial use.*

*Objective: Identify specific SWAP projects that will benefit communities of concern within CALFED solution area. Incorporate EJ community health protections into the DWS Strategic Plan.*

*Action: Mandatory EJ analysis on projects with \$500,000 or more CALFED funding. Such an analysis would include*

- *Identification of vulnerable sub-populations within service areas*

- *Meaningful involvement of EJ Communities in project outreach and monitoring*
- *Assessment of current exposures and impacts to EJ Communities*
- *Assessment of projects impacts on EJ Communities*
- *Assessment of inequities in drinking water quality within service area*
- *Community participation in decision-making*

Performance Measure: *Annual report analyzing benefits to and burdens from DWS project on EJ Communities.*

Project Example: *Begin by developing an EJ analysis as part of MWD-Friant Exchange Study.*

## *2. Source Improvement*

Objective : *Develop Central Valley Drinking Water Policy protective of EJ community health Central Valley Region Basin Plan.*

Action: *Identify EJ communities within CALFED solution area. develop outreach plan for involving these communities in the workgroup. Identify, and include in policy development, contaminants of concern to EJ communities in the Central Valley.*

Performance measures: *List of EJ communities identified, those contacted, and those actively participating in the the workgroup. Development of outreach program for continuing education of EJ communities that are not directly involved in workgroup and process for soliciting and incorporating public input into process*

## *3. Regional ELPH*

Objective: *Ensure that regional ELPH programs address the needs of EJ Communities*

Action: *Identify inequities in tap water quality in each regional plan*

Performance measures:

## **LEVEE SYSTEM INTEGRITY**

Ensure that the development and implementation of base level protection, levee subsidence control, and emergency management and response programs and plans include adequate participation and broad-based representation from potentially affected communities in the decision-making process.

Ensure that funding is earmarked as a part of each plan to include outreach, education and capacity-building in potentially affected communities to allow effective participation in decision-making process.

### **Targets**

- 1. Improved opportunities for subsistence fishing and hunting*



## **OVERSIGHT AND COORDINATION**

Complete integration of EJ Goals and Objectives in each Program Element and across the eight (8) Oversight and Coordination commitments

1. Public Affairs & Involvement,
2. EJ
3. Program Performance & Tracking,
4. Regional Coordination
5. BDPAC
6. Financial Plan
7. Tribal Relations
8. Water Management Strategy

### **Targets**

1. *Develop annual EJ analysis and assessment for each Oversight and Coordination commitment.*