

# ENVIRONMENTAL JUSTICE IN PERMITTING AT THE SF BAY CONSERVATION AND DEVELOPMENT COMMISSION

## 1. BACKGROUND AND INTRODUCTION

As the Coastal Zone Management Agency for San Francisco Bay, BCDC mission is to protect and enhance San Francisco Bay and advances the Bay's responsible, productive, and equitable uses for this and future generations as we face a changing climate and rising sea levels. To achieve this mission, any projects in the Bay or along the Bay shoreline require a permit from BCDC, which must be consistent with the policies of the San Francisco Bay Plan.

In 2019 BCDC adopted historic Social Equity and Environmental Justice Policies for the first time, which guide BCDC's permitting and environmental justice program. 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 and 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 within low-income communities of color.

There are four BCDC's Social Equity and Environmental Justice Policies that state that: 1) the Commission should integrate EJ into all of its activities; 2) the Commission support local governments in incorporating EJ into their plans; 3) permit applicants should incorporate meaningful community engagement into their project planning process, and; 4) require mitigation of adverse impacts on vulnerable and/or disadvantaged communities.

To support the implementation of the EJ policies, BCDC established a two-person Environmental Justice Unit and works with six Environmental Justice Advisors representing communities across the Bay Area that have faced decades of environmental injustice and social inequity including, but not limited to, BIPOC and low-income populations. Together they have worked to help BCDC advance these policies by providing independent analyses, recommendations, and other input.

Over the last few years, as BCDC's permitting staff review projects all around the San Francisco Bay and began to apply the new EJ policies to specific project applications, a series of questions have arisen that require a deeper analysis. They include:

1. What has been BCDC's contribution to the polluting and contamination of environmental justice communities in the Bay Area, both historically and currently?
2. How can the permitting process be easier for the public to understand and navigate?
3. What does "meaningful community engagement" entail and how can we effectively ensure that it is done well on a consistent basis?

At present, BCDC has identified a need to do a deeper analysis of the role of Environmental Justice in its regulatory processes. BCDC’s recently adopted Strategic Plan has set a goal of doing an historical analysis of its past permits and policies to help to inform our future work. BCDC’s forthcoming Racial Equity Action Plan also calls for assessing BCDC’s current and ongoing opportunities for community outreach, engagement, and knowledge sharing to establish a baseline for measuring progress.

The NOAA Coastal Management Fellow will evaluate how BCDC past and current policies and permitting process relates to EJ issues and develop best practices to overcome those challenges and improve the community engagement process. This will come at a critical time in BCDC’s operations and help us to navigate building the next stage of our regulatory program in a way that incorporated Environmental Justice Principles and engages the community in definably meaningful ways.

## 2. GOALS AND OBJECTIVES

The goal of this project is to ensure that Environmental Justice principles are implemented into BCDC’s permitting process, reducing the probability of future harm to disadvantaged communities. This will be achieved through developing a historical and present-day analysis of the impacts of BCDC’s permits on communities in the Bay.

The objectives of this project are:

- Review past BCDC actions to assess the ways they have potentially increased environmental burdens on communities of color, whether directly or indirectly, to better understand the effects of different policies and practices.
- Create tools such as an Environmental Justice checklist to help permit analysts evaluate present and future permit applications. Identify environmental justice concerns and coordinate with permit analysts, the EJ team and EJ advisors, on how to address them.
- Create public-facing best practices to guide permit applicants on how to effectively conduct meaningful community engagement in socially vulnerable communities.
- Conduct outreach into socially vulnerable communities to build relationships and develop outreach channels that permit applications can easily access for engagement. Reach out to Community Based Organizations, local jurisdictions, and other community leaders that operate in the Bay Area. Strategize on ways to streamline our community engagement process with permit applicants.
- Work on permit application projects in socially vulnerable communities to develop and implement community outreach plans that are culturally competent and sufficiently thorough.

## 3. MILESTONES AND OUTCOMES

**August    December 2024**

- **Orientation to BCDC:** Attend BCDC trainings, targeted site visits, and meetings of the Commission and its advisory boards.
- **Training on Environmental Justice Issues and Policies**

## August—December 2024 (cont.)

- **Work on Typical Regulatory Projects:** Shadow the EJ team on permits and policy work. Help with community engagement and environmental justice evaluations.
- **Conduct Background Research:** Collect, read, and begin to analyze the permits and policies of BCDC. Create research protocols for evaluating permits.
- **Coordinate with the EJ Advisors:** Develop a relationship with the EJ Advisors. Interview them about their experience with EJ in permitting at BCDC.
- **Outreach to local CBOs:** Go through BCDC's CBO Directory and reach out to local CBOs. Start developing relationships and talking with CBOs about how to engage with BCDC.
- **Assess Other Government Agencies:** Conduct a survey of other governments—local, regional, state, and federal—to identify best practices in integrating EJ principles into complex regulatory processes in a simple, effective manner.

## January 2025 March 2025

- **Work on Typical Regulatory Projects (continued):** Focus on evaluating permits with an environmental justice lens and creating best practices for meaningful community engagement.
- **Outreach to local CBOs (continued):** Conduct phone and in-person interviews with CBO leaders to establish best practices and methods in engaging with their communities.
- **Conduct Impact Evaluation:** Conduct and complete an impact evaluation of tools and methods used to evaluate environmental justice in the permitting process and for how to conduct meaningful community engagement.
- **Evaluate Past Permits:** Research and evaluate BCDC's past permits for impacts on disadvantaged communities.
- **Present Findings to Regulatory Division:** Retrieve responses.
- **Present Findings to Stakeholders:** Meet with stakeholders (business and industry, environmental, local governments) to share results of the Impact Evaluation and permit research.

## April July 2025

- **Work on Typical Regulatory Projects (continued):** Focus on evaluating permits with an environmental justice lens and creating best practices for meaningful community engagement.
- **Craft Recommendations and Roadmap to Developing Tools and Resources:** On the basis of the Needs Assessment and Impact Evaluation reports, craft recommendations and a roadmap to develop and deliver tools and resources to enhance BCDC's success in communicating regulatory functions.
- **Present Findings to BCDC Commissioners.** Present findings, recommendations, and roadmap at a BCDC Commission meeting.
- **Revise Workplan.** On the basis of input from BCDC senior staff and Commissioners, as well as stakeholders, revise workplan and roadmap to produce identified tools and resources.

## August November 2025

- **Work on Typical Regulatory Projects (continued),** with a focus on evaluating permits with an environmental justice lens and creating best practices for meaningful community engagement.

#### August—November 2025 (cont.)

- **Produce Tools and Resources.** Produce and roll out tools and resources according to

#### December 2025 March 2026

- **Produce Tools and Resources (continued).**

#### April July 2026

- **Finalize Tools and Resources (continued).**
- **Write Vision Document for Ongoing Environmental Justice in Permits Plan.** On basis of work conducted during fellowship, outline a plan for enhancing BCDC's regulatory Environmental Justice work in the years ahead, including recommendations for necessary tools and technology to implement identified measures.

## 4. PROJECT DESCRIPTION

This project will work to effectively implement environmental justice principles into BCDC's permitting process. It will build upon the work of the EJ team and help permit analysts to appropriately evaluate permits submitted through an environmental justice lens. It will also strengthen our engagement processes so that permit applicants can easily conduct outreach based on our established networks and policies.

The NOAA fellow will conduct an historical analysis of BCDC permits and policies. In partnership with the EJ team, they will develop a research protocol for determining which of BCDC's permits contributed to environmental injustices in socially vulnerable and disadvantaged communities in the Bay Area. Over the course of the two years that they are in the fellowship they will compile their findings into a final report that they will then present to the BCDC Commissioners and staff.

In addition to research, the fellow will shadow the EJ team as they work with the Shoreline Development team to evaluate current permit applications. They will gain experience and understanding of BCDC's permit process and the characteristics of environmental justice that they need to use to evaluate permits. By working directly with permit applicants, and applying the historical analysis, they will collect a set of criteria and best practices for understanding and evaluating environmental justice concerns in the permit application process. Based on their experience working with permit applicants and CBO's the fellow will develop a set of tools that will include an Environmental Justice checklist and a Meaningful Community Engagement Best Practices Document. These will be used as a guidance document for future permit applications.

The fellow will also work to apply environmental justice principles by helping permit applicants develop outreach plans to effectively conduct meaningful community engagement in the socially vulnerable communities that their projects are placed in. This will entail identifying Community Based Organizations (CBO) operating in these communities using BCDC's CBO Directory, conducting a plan for outreach within the socially vulnerable communities by partnering with the CBO's, developing outreach and training materials for community meetings, and ensuring that materials are translated into appropriate languages.

At the end of their fellowship the NOAA fellow will develop a Vision Document outlining their suggestions on how to next proceed with incorporating Environmental Justice into the Regulatory Process.

Throughout their fellowship, the Coastal Management Fellow will work with the following key collaborators, both internal and external to BCDC:

- **EJ Advisors:** BCDC's EJ Advisors advise BCDC and Bay Area communities as BCDC works to ensure that adapting to climate change and rising sea level is done equitably, meaningfully engages with frontline communities, and implements the Commission's Environmental Justice and Social Equity Policies through permitting and planning actions. The EJ Advisors have engaged in a deep study of BCDC's permitting process and have assessed that the process for public involvement is opaque and unstructured. They have identified the need for better engagement processes to ensure that the public can comment and direct the permitting process in meaningful ways. The EJ Advisors are currently investigating how to accomplish these goals.
- **Regulatory Division:** BCDC's regulatory department oversees permits for a wide range of projects and activities that take place within San Francisco Bay and along its 400-mile shoreline. Most development activities occurring within the Commission's jurisdiction are required to obtain permits from the Commission. Since the adoption of the Environmental Justice and Social Equity policies in 2019, the BCDC staff and Commissioners have worked to apply the policies in permitting decisions. While staff guidance helps clarify how these policies are applied, BCDC recognizes that much additional work is needed to fully realize the outcomes they set out to achieve.
- **BCDC's EJ Team:** BCDC's Environmental Justice team consists of the Sr. Manager for Climate Equity and Community Engagement and the Assistant Manager for Climate Equity and Community Engagement. Together they oversee the integration of the Social Equity and Environmental Justice policies into all levels of BCDC's operations and planning. They support the permitting staff in evaluating permits for Environmental Justice policy consistency. The EJ Team is leading an effort to further define how the EJ Policies can be applied to the permitting process.

## 5. DIVERSITY, EQUITY, INCLUSION, AND JUSTICE

This project will help directly advance diversity, equity, inclusion and justice at BCDC and in the San Francisco Bay Region. Specially, the NOAA Coastal Fellow's work will allow BCDC to better understand the impacts of our work on Disadvantaged Communities and prepare tools, criteria, and procedures for how to mitigate those impacts in our current and future work.

The fellow will engage with Community Based Organizations in socially vulnerable communities and work with them to conduct outreach with and on the behalf of permit applicants. The fellow will be trained on principles of equitable engagement and how to work within and in partnership with communities of color, linguistically isolated, intergenerational, differently abled, and socially vulnerable communities.

The fellow will develop tools and materials to effectively evaluate our permits through an environmental justice lens and develop a criteria and process for meaningfully engaging our communities.

## 6. FELLOW MENTORING

The fellow will participate in weekly all-staff meetings, attending meetings of the Commission and its advisory boards and committees, and attending site visits and meetings with stakeholders.

Phoenix Armenta, the Sr. Manager for Climate Equity and Community Engagement will be responsible for mentoring the NOAA fellow. Lita Brydie, Assistant Manager for Climate Equity and Community Engagement will engage in co-mentoring of the fellow. Phoenix and/or Lita will meet with the fellow on a weekly basis to check in and help direct their work. In the first 3 months Phoenix will coordinate appropriate trainings to help the fellow gain an understanding of BCDC's operations, regulations, and policies. They will also learn how the EJ team and regulatory program work together.

Ethan Lavine, Assistant Regulatory Director for Climate Adaptation, will also work with the fellow to provide training and support to allow them to become proficient in BCDC's regulatory program. Ethan will provide support to the fellow on their projects that work to improve BCDC's existing permitting program.

In the first six months the fellow will shadow Phoenix and Lita on their work with the permitting team. They will introduce the fellow to Community Based Organizations and help them to understand the network of leaders in the Bay Area. In addition, they will train them in Environmental Justice principles and help them to understand how they have been applied to the permitting program.

Throughout the fellowship the EJ team will offer mentorship and guidance. Our Executive Director will provide professional development support in the form of resume and interview coaching and we will set them up with informational interviews with the BCDC Commissioners and other local leaders.

## 7. OFFICE ENVIRONMENT

The fellow will work from BCDC's offices within the Bay Area Metro Center in San Francisco, a state-of-the-art facility that houses 600 staff representing four major regional agencies, and that functions as a center for collaboration on planning and regulatory functions for the region.<sup>5</sup> The office is located in the heart of San Francisco, near the San Francisco waterfront, and within blocks of regional public transportation options, including BART, transbay bus service, and a regional ferry network.

BCDC staff work in a hybrid environment, with two days a week required in the office and the remainder of the week teleworking. The fellow will likely be asked to come in the same days as the regulatory team and the planning department, which are currently Wednesday and Thursday respectively. There may be occasional site visits, off-site meetings, and travel within the region required.

## 8. PROJECT PARTNERS

This project will work closely with a variety of partners across the Bay Area working in both the government, private sector, and non-profit organizations. The fellow will work closely with other agencies, local governments, and Community Based Organizations in developing best practices for integrating EJ principles into regulatory work, including:

- The San Francisco Bay Restoration Regulatory Integration Team (BRRIT), an interagency team of dedicated staff to coordinate agency processing of permit applications to make the permit process more efficient for wetland habitat projects. The interagency team consists of staff from BCDC, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, San Francisco Bay Regional Water Quality Control Board, California Department of Fish and Wildlife, National Marine Fisheries Service, and U.S. Fish and Wildlife Service.
- The Coastal Zone Management Agencies (CZMA) consists of BCDC, the California Coastal Commission and State Coastal Commission. Together they provide regulation, policies, and funding for projects up and down the California coastline. They each prioritized the integrating of Environmental Justice into their operations and regularly coordinate to optimize their efforts.
- Local jurisdictions will work with the fellow to help with outreach to their communities. They will connect us with CBO's, keep us updated on community meetings, and help us to communicate with their local communities. Currently BCDC is working closely with the City of Oakland, Redwood City, the City and County of San Francisco, and San Mateo to name a few.
- Community Based Organizations will play a significant part in conducting this work. Through our EJ Advisors we are connected to a number of CBO's including Rise South City, the Bayview Hunters Point Community Advocates, and Climate Resilient Communities. Our CBO Directory lists over 100 CBO's which we have identified as outreach partners for community engagement. Building deeper relationships with these CBOs will be a main focus for our fellow.

## **9. COST-SHARE DESCRIPTION**

BCDC will contribute \$15,000 non-federal matching funds, consisting of \$7,500 from CA state General Fund or Greenhouse Gas Reduction Fund in each year of the fellowship. BCDC will also provide an in-kind match in the form of office space, computer, software, technology, materials, supplies, and support services. Additionally, BCDC will provide access to a state vehicle as needed and will reimburse for required in-state work travel.

## **10. STRATEGIC FOCUS AREA**

The project will address Healthy Coastal Ecosystems by ensuring that BCDC identifies ways in which they have contributed to contaminated sites or the placement of polluting industries along the shoreline and developing strategies for mitigating those effects in the future. It will also address Resilient Coastal Communities by contributing to the resiliency of disadvantaged communities along the shoreline and helping them to better engage in our permitting processes, which includes shoreline resiliency and adaptation projects, allowing them to be more involved decision-makers in our process.