

CALIFORNIA COASTAL COMMISSION

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F5**ADDENDUM**

Prepared for March 8, 2019 Hearing

TO: Coastal Commission and Interested Parties

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SUBJECT: Addendum to Staff Report for Coastal Commission Environmental Justice Policy – Final Public Review Draft

The purpose of this addendum is to (1) attach [Exhibit 5 – Staff Response to Public Comment](#) and (2) make minor revisions to the final public review draft (Exhibit 1) of the Environmental Justice Policy. These revisions do not change staff’s recommendation that the Commission should adopt the final public review draft of the Environmental Justice Policy.

I. [Exhibit 5 – Staff Response to Public Comment](#)

Exhibit 5 contains staff response to all public comment received on the initial and revised public review drafts of the Environmental Justice Policy.

II. Minor Revisions to Final Public Review Draft of Environmental Justice Policy

Staff recommends the Commission adopt the following revisions to the final public review draft, with deleted language shown in ~~striketrough~~ and new language underlined.

- The term “underserved” is used to describe disadvantaged and marginalized communities throughout the final public review draft. The following revisions are to clarify the meaning of the term “underserved”:
 - Page 3 (Introduction)– “This policy uses the terms “disadvantaged,” ~~and~~ “marginalized” and “underserved” interchangeably; it intends to encompass not only the definitions contemplated by SB 1000, but also to include other low-income communities and communities of color that are disproportionately burdened by or less able to prevent, respond, and recover from adverse environmental impacts.

- Page 17 (Glossary of Terms) –

“Disadvantaged, Marginalized, Underserved”

SB 1000 (Leyva) (Ch. 587, Stats. 2016) added Government Code Section 65302(h)(4)(A), expanding the definition of “disadvantaged communities” for the purpose of general plans to mean “an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.”

This policy uses the terms “disadvantaged,” ~~and~~ “marginalized” and “underserved” interchangeably; it intends to encompass not only the definitions contemplated by SB 1000, but also to include other low-income and minority populations that are disproportionately burdened by or less able to prevent, respond, and recover from adverse environmental impacts.

- The following revisions add the word “California” to all references to “Native American Tribes” for internal consistency and in response to the January 9, 2019 letter from Fred Collins of the Northern Chumash Tribal Council (comment 30-5, page 28, Exhibit 5):
 - Page 1 – “Generations of injustices towards California’s Native American Tribes ~~communities~~, people of color, and other marginalized populations through forms of discriminatory land use policies, desecration of sacred lands and cultural resources, and concentration of environmental pollution has resulted in inequitable distribution of environmental benefits and burdens that still disproportionately burden these communities today.”
 - Page 5 – “The Commission respectfully acknowledges the painful history of genocide against California Native American Tribes and honors the efforts of California’s coastal tribes to rebuild thriving, living cultures based on traditional knowledge, languages, and practices. The Commission commits to regular and meaningful partnership to ensure that tribes are valued and respected contributors to the management of California’s coast. In addition to the requirements of the Commission’s formal Tribal Notification and Consultation Policy, the Commission will work collaboratively with tribes to better understand the significance of local and regional cultural concerns. This includes the application of traditional ecological knowledge, as well as access to and protection of areas of cultural significance ethnobotanical resources, traditional fishing and gathering areas, and sacred sites.

EXHIBIT 5

STAFF RESPONSE TO COMMENTS

EXHIBIT 5

Response to Public Comments, Proposed Environmental Justice Policy

Background:

The Commission held two public comment periods on the environmental justice policy. Public comments on the initial public review draft were received between August 9, 2018 and November 7, 2018. Public comments on the subsequent revised public review draft were received between January 18, 2019 and February 17, 2019.

Additionally, staff received verbal comments during the September, October, and November Commission hearings in 2018, and live feedback from community meetings, phone calls, individual meetings and a public webinar conducted September 25, 2018.

Staff incorporated many of these comments into the revised public review draft, released January 18, 2019 and the final public review draft released February 22, 2019. Although all comments were valuable and considered, not all were necessarily incorporated into the final draft policy. The [staff report](#) provides an overview of the changes made to the final public review draft (See [Attachment 1 in Exhibits](#)) in response to all of the comments received. The table below contains more detailed staff responses to individual comments which also provides more context for the final public review draft which staff is currently presenting to the Commission for adoption as it relates to the full set of submitted comments. For full correspondence, see [Exhibit 4](#).

I. Summary of Comment Letters Received during the First Public Comment Period on the Initial Public Review Draft from August 9, 2018 – November 7, 2018

Public comment was received from the following parties during the first public comment period, August 9 to November 7, 2018. Staff responses to comments are found in Table 1.

1. Rich Everett, Everett Family Farm and Soquel Cider, email received 8/10/18
2. Lucia Casalnuovo, Oceano Beach Community Association, email received 9/7/18
3. Taylor Roschen, California Farm Bureau Federation, email received 9/18/18
4. Andrew Salas, Gabrieleño Band of Mission Indians - Kizh Nation, email received 9/24/18
5. Lynn Ross, email received 9/25/18 and email received on 11/7/18
6. Richard E.T. Sadowski, Home Front Morro Bay, email received 10/7/18
7. Larry Truesdale, Home Front Morro Bay, email received 10/8/18
8. Abby Newman, State Lands Commission, email received 10/9/18
9. Rosemary Nelson and Michael Young, email received 10/18/18
10. Rachel Toti, email received 10/29/18
11. Arlene Versaw, email received 10/30/18
12. Katherine Biala, Citizens for Just Water, email received 10/31/18
13. Linda Reynolds, email received 10/31/18
14. Dionne Ybarra, 11/05/18

15. Lucas Zucker and Maricela Morales, Central Coast Alliance United for a Sustainable Economy (CAUSE), email received 11/6/18
16. Eric Aaholm, email received 11/6/18
17. Marce Gutiérrez-Graudiņš, Azul, 11/7/18
18. Noel Johnston, email received 11/6/18
19. Cynthia Replogle, Oceano Beach Community Association, email received 11/7/18
20. Dina Gilio-Whitaker, Environmental Justice Policy and Education Consulting and Cal State San Marcos, email received 11/7/18
21. Livia Borak Beaudin, Coastal Environmental Rights Foundation, email received 11/7/18
22. Rene Aiu, email received on 11/7/18
23. Therese Kollerer, email received 11/7/18
24. Cynthia Hawley, Home Front Morro Bay, email received 11/7/18
25. Merri Lopez-Keifer, San Luis Rey Band of Mission Indians, email received 11/7/18
26. Lorelle Ross, Federated Indians of Graton Rancheria, email received 11/7/18
27. Robert García (The City Project), Yvonne Gonzalez Duncan (California League of United Latin American Citizens), Mark Magaña (GreenLatinos), and Robert Bracamontes (Acjahemen Nation, Juaneno Tribe), email received 11/7/18
28. Sean Hect, UCLA School of Law, Emmett Institute on Climate Change and the Environment, email received 11/7/18

Table 1. Staff response to public comments received on initial public review draft, from August 9 – November 7, 2018

Comment ID	Summary of comments	Response
1. Rich Everett, Everett Family Farm and Soquel Cider, email received 8/10/18		
1	Commenter recommends that Commission "stay away from opening every single part of the Calif Coast to all public when access is challenging in some cases does not exist today" and instead focus on making existing access and amenities "world class" and control commercial development along the coast. Commenter also requested focusing on educating visitors to the coast on how to "treat, act, and respect our valuable coast line and oceans."	Comment noted. This comment was not included in the revised policy. The proposed policy explicitly states that implementation of environmental justice measures will be fully consistent with Chapter 3 policies, including those protecting natural resources. For example, Section 30214 of the Coastal Act enables the Commission to implement public access policies in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances of each case, including but not limited to the capacity of a site to sustain use and at what level of intensity; and the appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of natural resources in the area.

Comment ID	Summary of comments	Response
2. Lucia Casalnuovo, Oceano Beach Community Association, email received 9/7/18		
2	<p>Commenter requests that staff consider the plight of Oceano, a small beach community on the central coast, during review and discussions of the draft Environmental Justice Policy. Commenter describes Oceano as being discriminated against because "it is denied a safe beach access free from vehicles and it is not involved in the decision making process regarding management of Oceano Dunes State Vehicular Recreation Area." Additionally, commenter described the demographics of Oceano as mostly Latino and poor.</p>	<p>Staff met with Oceano Beach Community Association in November 2018 to discuss concerns and questions about the draft Environmental Justice Policy. Staff expanded the Meaningful Engagement section of the revised public review draft (page 4, Exhibit 2) to address concerns around decision making process accessibility for "local communities that face limited English proficiency, lack access to formal education, and experience other obstacles to engagement." Staff did not address specific concerns relating to Oceano in the revised public review draft because the Environmental Justice Policy itself is not intended to address specific local issues or projects. Rather, it is a broad framework of substantive policies and commitments to address environmental justice in administration of the Commission's existing program. Commenter should reach out to the Central Coast District Staff regarding their specific concerns in Oceano, and District Staff will work to address said concerns in a manner consistent with the adopted policy.</p>
3. Taylor Roschen, California Farm Bureau Federation, email received 9/18/18		
3	<p>Commenter requests that staff work more closely with the Farm Bureau Federation and agricultural stakeholders in development and future implementation of the Environmental Justice Policy.</p>	<p>Comment noted. Staff reached out to California Farm Bureau to establish connection.</p>
4. Andrew Salas, Gabrieleño Band of Mission Indians - Kizh Nation, email received 9/24/18		
4	<p>Commenter requests that some clarification to Respecting Tribal Concerns section be added to specify 'lineal' or 'ancestral descendants of an effected area.'</p>	<p>The commenter's request is already addressed in the Commission's Tribal Consultation Policy. To clarify the relationship between the Environmental Justice Policy and the Tribal Consultation Policy, staff revised the Respecting Tribal Concerns section (page 4, Exhibit 2) to include the phrase "...In addition to <u>the requirements of the</u> Commission's formal tribal notification and consultation policy..." This change emphasizes that the Commission's policy on strengthening relationships with Native American Tribes and efforts to further outreach and collaboration will be applied in conjunction with the environmental justice policy. The Commission will continue to rely on the Native American Heritage Commission for any determinations of ancestry.</p>

Comment ID	Summary of comments	Response
5. Lynn Ross, emails received 9/25/18 and 11/7/18		
5-1	<p>In email received on 9/25/18, commenter requests that the draft environmental justice policy include the fact that smoke prevents access for many people who cannot tolerate smoke in their lungs.</p>	<p>Comment noted. Commenter also made reference to extensive background data establishing the human health effects of wood smoke. Staff does not dispute the information. However, there is no evidence that the recreational use of beach bonfires, which has drawn numerous complaints from beach front homeowners for a variety of reasons, is having a disproportionate impact on marginalized communities, including low-income communities and communities of color. US Census data confirms that beachfront homeowners overwhelmingly do not meet this definition of marginalized. The concept of environmental justice is to remedy structural inequities in government decision-making which have historically ignored marginalized communities and resulted in disproportionate impacts on those least able to seek redress. Non-marginalized communities already have adequate access to a variety of administrative and legal remedies. To summarize, the Commission does not perceive beach bonfires to necessarily be an issue of environmental justice. In fact, beach fires may be a lower-cost coastal recreational activity enjoyed by lower-income communities and communities of color (among others).</p>
5-2	<p>In email received on 11/7/18, commenter requests the Commission should not knowingly and purposefully promote smoke from wood-burning fires for people to breathe. Commenter requests staff edit the draft statement so that it removes any indication that the Commission endorses smoke from wood-burning fires.</p>	<p>Comment noted. See comment response 5-1.</p>

Comment ID	Summary of comments	Response
6. Richard E.T. Sadowski, Home Front Morro Bay, email received 10/7/18		
6-1	<p>Commenter describes how climate change and sea level rise adaptation could result in displacement of citizens who live, work and raised families in coastal areas, particularly through transformation of neighborhoods from a lower to a higher economic value.</p>	<p>The initial public review draft was revised to address displacement of low-income residents in the Climate Change section by adding the following sentences: <u>"Lower-income residents and those who live in rental units are also more likely to be displaced by flooding or related impacts as compared to property owners because they lack the funds and/or abilities to rebuild, have less control over their safety, and often have limited access to insurance. The expense of sea level rise adaptation measures for coastal communities could also heighten displacement of disadvantaged populations by increasing living expenses for sewer and water services."</u>(Page 8, Exhibit 2).</p>
6-2	<p>Requests that the Environmental Justice Policy have direct and continual engagement with local governments that are undertaking climate adaptation projects in their respective communities.</p>	<p>The initial public review draft was revised to include a Local Government section in the revised public review draft (page 6, Exhibit 2)</p>
6-3	<p>Requests the Environmental Justice Policy must balance the environmental and economic aspects in protecting critical infrastructure like coastal wastewater treatment plants and must distinguish when managed retreat of critical infrastructure is appropriate or if safeguarding an existing or upgraded infrastructure is better suited.</p>	<p>The initial public review draft was revised to address concerns regarding critical infrastructure adaptation in disadvantaged communities by adding the following sentence to the Climate Change section: <u>"The expense of sea level rise adaptation measures for coastal communities could also heighten displacement of disadvantaged populations by increasing living expenses for sewer and water services."</u>(page 8, Exhibit 2)</p>
6-4	<p>Requests that the Environmental Justice Policy must also be integrated into local coastal programs and general plan updates.</p>	<p>The initial public review draft was revised to include a new Local Government section in the revised public review draft. The section includes the statement <u>"The Commission will strongly encourage local governments to amend their local coastal programs, port master plans, public works plans and long range development plans..."</u>(page 6, Exhibit 2). The Commission has no authority to require the update of general plans, but the land use plan element of a local coastal program is the functional equivalent of a general plan within the Coastal Zone, and an LCP is often included as an element of a General Plan.</p>

Comment ID	Summary of comments	Response
7. Larry Truesdale, Home Front Morro Bay, email received 10/8/18		
7	<p>Requests that the Environmental Justice Policy consider that it is critical for the economic vitality of coastal businesses and coastal cities to have a labor force consisting of hourly workers. These jobs are often lower paying but the workers cannot live in coastal areas and are forced to commute long distances in aged cars that emit pollution. This is particularly challenging for coastal communities farther away from major metropolitan areas.</p>	<p>The initial public review draft was revised to include a new Local Government section in the revised public review draft. This section includes the following sentences to address concerns about impact of commuting and housing costs on inland workers: <u>"The Commission understands that regional transportation policies can discourage inland communities from visiting the coast, burdening both workers and families. The Commission will work with local governments and regional transit agencies on local coastal program policies to decrease vehicle miles travelled and increase public transportation from inland areas to the coast."</u> (page 6, Exhibit 2)</p>
8. Abby Newman, State Lands Commission, email received 10/9/18		
8	<p>State Lands Commission staff identified shared goals between two agencies' environmental justice policies and expressed interest in continuing to work together on implementation of both agencies environmental justice policies.</p>	<p>Comment noted. Commission staff continues to collaborate with the State Lands Commission and other partner agencies and departments.</p>

Comment ID	Summary of comments	Response
9. Rosemary Nelson and Michael Young, email received 10/18/18		
9	<p>Commenters describe the impacts of air pollution caused by OHV riding in Oceano Dunes State Vehicular Recreation Area on local residents as well as farm workers and other laborers in the area, who do not have the ability to remain indoors to avoid poor air quality. Commenters suggested adding contact with the APCD to provide information and guidelines on air quality standards to be included under Habitat and Public Health section.</p>	<p>The initial public review draft was revised to include the following statement to the Habitat and Public Health section of revised public review draft: <u>"The Commission will also work with the relevant public agencies to consider project impacts to air quality and soil health in disadvantaged communities which reduce the positive health and recreational benefits associated with coastal access for pollution-burdened communities."</u> (page 9, Exhibit 2) Staff did not address specific concerns relating to Oceano in the revised public review draft because the Environmental Justice Policy itself is not intended to address specific local issues or projects. Rather, it is a broader framework of substantive policies and commitments to address environmental justice in administration of the Commission's existing program. Commenter should reach out to the Central Coast District Staff regarding their specific concerns in Oceano, and District Staff will work to address said concerns in a manner consistent with the adopted policy.</p>
10. Rachel Toti, email received 10/29/18		
10-1	<p>Requests that public health and habitat protection should be elevated to the top priorities.</p>	<p>Comment noted. The order of the guiding principles in the Environmental Justice Policy does not indicate any order of priority or higher significance. All are important and the ordering should not be considered an indicator of the Commission's priorities. The proposed policy explicitly states in the Habitat and Public Health section that implementation of environmental justice measures will be fully consistent with Chapter 3 policies, including those protecting natural resources (page 9, Exhibit 2)</p>

Comment ID	Summary of comments	Response
10-2	<p>Commenter suggests tribal concerns have not been addressed by the Commission in the past. Additionally the commenter describes concerns with coastal access, meaningful engagement, and accountability and transparency by discussing issues in Oceano, CA associated with Oceano Dunes State Vehicular Recreation Area.</p>	<p>The Commission adopted a Tribal Consultation Policy in August 2018, which is intended to strengthen the Commission's collaboration and engagement with California Native American Tribes. Regarding Oceano, CA, staff met with residents in Oceano in November 2018 to discuss specific concerns and issues. Staff added additional language to the Coastal Access (pages 5-6, Exhibit 2), Meaningful Engagement (pages 4-5, Exhibit 2), and Accountability and Transparency (page 7, Exhibit 2) sections to address concerns. Staff did not address specific concerns relating to Oceano in the revised public review draft because the Environmental Justice Policy itself is not intended to address specific local issues or projects. Rather, it is a broader framework of substantive policies and commitments to address environmental justice in administration of the Commission's existing program. Commenter should reach out to the Central Coast District staff regarding their specific concerns in Oceano, and District Staff will work to address said concerns in a manner consistent with the adopted policy.</p>
<p>11. Arlene Versaw, email received 10/30/18</p>		
11	<p>Commenter suggested that the Environmental Justice Policy would be a great enhancement to the mission of the Coastal Commission, particularly since those who are disadvantaged cannot defend themselves and it is the responsibility of elected and appointed officials who have the power to protect to do so. The commenter also described concerns regarding Oceano Dunes OHV State Parks Public Works plan.</p>	<p>Comments noted. The initial public review draft was revised to include the following statement in the Introduction to the revised public review draft, clarifying that the adoption and implementation of the Environmental Justice Policy is "<u>...intended to integrate the principles of environmental justice, equality, and social equity into the foundation of the Commission's program and operations, and to ensure public confidence in the Commission's mission, process, and commitment to coastal equity...</u>" (page 1, Exhibit 2) Commission staff met with residents in Oceano in November 2018 to discuss site specific concerns. Staff did not address specific concerns relating to Oceano in the revised</p>

Comment ID	Summary of comments	Response
		<p>public review draft because the Environmental Justice Policy itself is not intended to address specific local issues or projects. Rather, it is a broader framework of substantive policies and commitments to address environmental justice in administration of the Commission’s existing program. Commenter should reach out to the Central Coast District staff regarding their specific concerns in Oceano, and district staff will work to address said concerns in a manner consistent with the adopted policy.</p>
<p>12. Katherine Biala, Citizens for Just Water, email received 10/31/18</p>		
<p>12</p>	<p>Commenter describes concerns around groundwater and water supply issues in Marina and the Monterey Peninsula. Commenter and members of organization submitted assessment tools for the Environmental Justice Policy that have incorporated the way in which disadvantaged communities have been marginalized, discounted, or ignored.</p>	<p>Comments noted. Staff also added actions on analysis of environmental justice impacts and developing an internal checklist for staff to help analyze environmental justice impacts with a proposed project under the subsection Coastal Development and Environmental Justice (pages 11-12, Exhibit 2) in the Implementation section of revised public review draft. Staff did not address specific concerns relating to groundwater and water supply issues in Marina in the revised public review draft because the Environmental Justice Policy itself is not intended to address specific local issues or projects. Rather, it is a broader framework of substantive policies and commitments to address environmental justice in administration of the Commission’s existing program. Commenter should reach out to the Central Coast District staff regarding their specific concerns in Marina, and District staff will work to address said concerns in a manner consistent with the adopted policy.</p>

Comment ID	Summary of comments	Response
13. Linda Reynolds, email received 10/31/18		
13	<p>Commenter described negative air quality impacts coming from Oceano Dunes State Vehicular Recreation Area and lack of recreation for people coming to escape heat and recreate at an affordable cost at ODSVRA, who cannot afford trucks and other equipment. Commenter suggested that Environmental Justice Policy needs to represent those who are negatively impacted by the park air quality impacts.</p>	<p>The initial public review draft was revised to add the following language to the Habitat and Public Health section of the revised public review draft to address how Commission will coordinate with relevant public agencies regarding air quality issues, an area where the Commission has limited oversight: <u>"The Commission will also work with the relevant public agencies to consider project impacts to air quality and soil health in disadvantaged communities which reduce the positive health and recreational benefits associated with coastal access for pollution-burdened communities."</u> (page 9, Exhibit 2). In addition, the draft policy already includes a reference the public health benefits associated with access to cooler coastal temperatures in the Climate Change section (page 8, Exhibit 2). Staff did not address specific concerns relating to Oceano in the revised public review draft because the Environmental Justice Policy itself is not intended to address specific local issues or projects. Rather, it is a broader framework of substantive policies and commitments to address environmental justice in administration of the Commission's existing program. Commenter should reach out to the Central Coast District staff regarding their specific concerns in Oceano, and District staff will work to address said concerns in a manner consistent with the adopted policy.</p>
14. Dionne Ybarra, email received 11/05/18		
14	<p>Commenter supports first public draft policy with no suggested revisions.</p>	<p>Comment noted.</p>
15. Lucas Zucker and Maricela Morales, Central Coast Alliance United for a Sustainable Economy (CAUSE), email received 11/6/18		
15-1	<p>Commenter requests in the draft policy substantial strengthening in addressing specific environmental justice issues, detailing a process for considering decisions related to environmental justice before the commission and laying out a pathway to implementation.</p>	<p>The initial public review draft was revised to add additional detail to all sections of the revised public review draft, including an Implementation section (page 9, Exhibit 2) to detail steps the Commission will take to consider environmental justice and implement the Environmental Justice Policy.</p>

Comment ID	Summary of comments	Response
15-2	Requests adding additional goals to the Coastal Access section to address environmental justice concerns, including coastal access barriers resulting from gentrification of the Coastal Zone, expansion of ports due to global market pressures, and fossil fuel and toxic infrastructure in coastal areas.	The initial public review draft was revised to add the language to the Coastal Access section including the following objective: <u>"The conversion of lower-cost visitor-serving facilities to high-cost facilities is also a barrier to access for those with limited income, and contributes to increased coastal inequality."</u> (page 5, Exhibit 2)
15-3	Requests referencing the impact of climate adaptation measures, like seawalls, that protect expensive beachfront property, actually reduce coastal access for the inland public.	The initial public review draft was revised to add the following language to the Climate Change section: <u>"Some sea level rise, coastal erosion and climate adaptation measures, such as sea walls, may further reduce access to public trust resources and coastal recreation areas for all residents, particularly lower income residents living inland."</u> (page 8, Exhibit 2)
15-4	Requested adding additional objectives in Habitat and Public Health Section that addresses more than water quality and species conservation and takes into consideration the impact of ports, power plants, and oil refineries as sources of contamination and harm to habitat and public health in environmental justice communities.	The initial public review draft was revised to add the following language to the Habitat and Public Health section: <u>"Heavy industrialization and environmental contamination of concentrated sections of California's coast has effectively eliminated much of the public coastal use in these areas. The Commission will also work with the relevant public agencies to consider project impacts to air quality and soil health in disadvantaged communities which reduce the positive health and recreational benefits associated with coastal access for pollution-burdened communities."</u> (page 9, Exhibit 2)

Comment ID	Summary of comments	Response
15-5	<p>Commenter asserts that equal access is not equitable access, and requests the Commission consider other policy visions that would enable it to achieve more equitable coastal development through its permitting process, such as encouraging Community Benefits Agreements in new coastal developments affecting environmental justice communities. Commenter also requests that the Commission declare an intent to seek these types of community benefits during the review process of major coastal developments, even if it does not have the ultimate power to reject or approve them on these grounds.</p>	<p>The initial public review draft was revised to add objectives to the Coastal Access (page 5, Exhibit 2) section and a new Housing section (page 6, Exhibit 2). The initial public review draft was also revised to add the following language to the Accountability and Transparency section: <u>"Analysis will assess meaningful alternatives beyond mitigation measures to re-siting projects with negative environmental health impacts in disadvantaged communities, to minimize or avoid adverse impacts to those communities. If viable alternatives are available, consider those in permitting decisions. The Commission will use the powers within its authority to examine the level of inclusive access to public recreation and affordable housing in any new coastal development, as well be a voice for maximizing these benefits for disadvantaged communities during review of projects."</u> (page 7, Exhibit 2)</p>
15-6	<p>Requests the Commission use its influence on projects impacting public health beyond water contamination. Examples of possible actions would include considering the cumulative impacts of existing pollution when deliberating on a polluting project, the impact of industrial development in reducing public coastal recreation, and the public health risks of coastal toxic sites and how coastal hazards, such as flooding, can spread contamination to nearby sites affecting residents, visitors, or workers.</p>	<p>The initial public review draft was revised to add objectives to the Habitat and Public Health (pages 8-9, Exhibit 2) and Climate Change sections (page 8, Exhibit 2) regarding analysis and consideration of cumulative impacts of toxic sites and existing pollution burden.</p>
15-7	<p>Requests greater specificity and substance in regards to how regular decision-making processes at the Coastal Commission will change as a result of this policy. Commenter suggests that the Commission lay out clear examples of what is in their authority and how it can be used to advance environmental justice goals in an Implementation Guidance section with steps and a timeline, similar to how State Lands Commission has an implementation section in their Environmental Justice Policy.</p>	<p>The initial public review draft was revised to add a new Implementation section (page 9, Exhibit 2) to the revised public review draft, outlining specific actions to implement the goals described in the policy.</p>

Comment ID	Summary of comments	Response
15-8	Requests the Commission should proactively dedicate staff and resources in its budget so that meaningful engagement practices are consistent and guaranteed, not provided after other staff priorities. Additionally, commenter requests that even though some issues will be in the Strategic Plan, the general vision should be included in the Environmental Justice Policy.	Staff added action items in the new Implementation section (page 9, Exhibit 2) that will be specified in greater detail in the upcoming Strategic Plan, which will be used to request funds and prioritize actions to implement the Environmental Justice Policy. Staff also edited language in the Meaningful Engagement section to clarify intent " <u>to obtain and dedicate meaningful resources</u> " (page 4, Exhibit 2) to achieving meaningful engagement with environmental justice communities.
15-9	Requests the timeline for review and adoption of the final draft policy be extended to develop a more comprehensive and thorough Environmental Justice Policy based on input received from environmental justice communities.	Commissioners extended timeline for adoption of the final Environmental Justice Policy until March 2019. Staff reviewed comments and released a revised public review draft in January 2019.
16. Eric Aaholm, email received 11/6/18		
16	Commenter supports first public draft policy with no suggested revisions.	Comment noted.
17. Marce Graudiņš (Azul), email received 11/7/18		
17-1	Requests that the Commission should describe substantive and procedural rights encompassed in environmental justice in detail, describe specific measures to remedy inequitable coastal management, and address other environmental justice issues with greater specificity throughout the policy.	The initial public review draft was revised to include language in the revised public review draft Introduction and all guiding principles describing examples of inequitable coastal management and access to coastal resources and goals to address these issues moving forward. On substantive rights, see, e.g. in Exhibit 2, discussion re: Coastal Access (page 5), Housing (page 6), Climate Change (page 8), Habitat and Public Health (pages 8-9); on procedural rights, see, e.g., discussion re: respecting Tribal Concerns (page 4); Meaningful Engagement (pages 4-5); Participation in the Process (page 7); Accountability and Transparency (page 7). The initial public review draft was revised to include an Implementation section (page 9, Exhibit 2) to describe specific measures and actions to implement the Environmental Justice Policy and promote environmental justice and committed to including an environmental justice and equity section in all future Strategic Plan updates.

Comment ID	Summary of comments	Response
17-2	<p>Commenters recommend including all information available to the state that demonstrates a pattern of historic inequitable development to establish a baseline from which to measure future progress and would allow the Coastal Commission to tailor solutions to environmental justice to protect those substantive and procedural rights.</p>	<p>Comment noted. The Commission does not have the capacity nor the resources to establish a statewide baseline. The Commission does commit to measuring progress in implementing the Environmental Justice Policy through biennial reviews and strategic plan implementation as outlined in the Implementation section (page 9, Exhibit 2) and Immediate Next Steps (page 13, Exhibit 2) and staff will identify methods for measuring progress through these reviews.</p>
17-3	<p>Commenters request that the Commission should recognize that the constitutional right of access to navigable waters encompasses environmental justice and that the Environmental Justice Policy should clearly state that failing to adequately consider environmental justice when issuing coastal development permits violates this constitutional right.</p>	<p>The initial public review draft was revised to add the following language to the Coastal Access Section of the revised public review draft to clarify the Commission's recognition of this constitutional right as well as its ability to address violations of this right as an environmental justice concern: <u>“Article X of the California Constitution guarantees the right of access to navigable waters for all people. The Coastal Act’s mandates to provide maximum access and recreational opportunities for all, and to protect, encourage, and provide lower cost visitor and recreational opportunities embody fundamental principles of environmental justice. The Commission reaffirms its long-standing commitment to identifying and eliminating barriers in order to provide for those who may be otherwise deterred from going to the beach or coastal zone...Where a local government fails to consider environmental justice when evaluating a proposed development that has the potential to adversely or disproportionately affect a historically disadvantaged group’s ability to reach and enjoy the coast, that failure may be the basis for an appeal to the Coastal Commission. Similarly, where a local coastal program includes policies that implement environmental justice principles, a local government’s failure to consider those principles may also be the basis of an appeal to the Coastal Commission.”</u> (page 5, Exhibit 2)</p> <p>While equal access to navigable waters necessarily encompasses environmental justice concerns, it is not necessarily the case that all environmental justice issues implicate coastal access. Thus, staff consider that the language above is appropriately phrased.</p>

Comment ID	Summary of comments	Response
17-4	<p>Requests that the Coastal Commission should shift the responsibility of demonstrating impacts of proposed projects away from already overburdened or vulnerable communities. Commenter recommends that the Environmental Justice Policy state that the onus will be on the Coastal Commission to initiate its own research and fact-finding to study potential environmental justice impacts of each project and should delegate that work to its own staff or partner universities of nonprofits, provided there is monetary support.</p>	<p>The intent of the policy is not to put the onus on environmental justice community members. The intent is to highlight that the Commission will welcome and value the environmental justice community's input, perspective and lived experience, and expressly state that such input will be considered as part of the independent staff analysis.</p> <p>To that end, the initial public review draft was revised to include an Implementation section (page 9, Exhibit 2) with action items on engagement with affected communities, environmental justice staff training and support, and coastal development and environmental justice, which include actions that the Commission will take to assist communities in identifying and evaluating the significance of environmental justice impacts through training and establishing partnerships with local groups and organizations.</p> <p>However, commenter's request does not account for the Commission's entire process for analyzing impacts with respect to coastal development proposals. Application requirements require applicants to explain why a development proposal will not result in significant adverse impacts. Furthermore, required noticing enables interested parties to notify Commission staff regarding concerns of a development proposal. Commission staff does independently evaluate (via research and fact-finding) whether a development proposal will result in impacts or not, but interested parties serve a unique and critical role in being able to alert Commission staff to environmental justice issues where staff may not have otherwise been aware (e.g., due to direct knowledge or experience of the situation on the ground). To that end, the policy explicitly acknowledges the value of direct, lived experiences.</p>

Comment ID	Summary of comments	Response
17-5	<p>Requests that the Coastal Commission should more accurately identify environmental justice representatives due to concern that groups with other interests---such as those supportive of a particular development--will falsely represent environmental justice community opinions on a proposed project through astroturfing, or the organized effort to create the false impression of a grassroots movement. In the Environmental Justice Policy the Commission should commit to establishing a specific method to identify and prevent astroturfing.</p>	<p>The initial public review draft was revised to include various implementation action items in a new Implementation section that includes subsections on Engagement with Affected Communities (pages 9-10, Exhibit 2) and Environmental Justice Staff Training and Support (pages 10-11, Exhibit 2) for staff to build relationships with environmental justice stakeholders and receive training on identifying environmental justice concerns.</p> <p>With regards to establishing a specific method to identify and discern the identity of particular parties participating in the public hearing process, the universe of environmental justice communities may so diverse that attempting to identify concrete criteria for “astroturfing” may be unfeasible and/or counter-productive. Moreover, there is no clear basis for the Commission to require “that groups disclose funding sources and interests” as the commenter suggests, which also likely poses legal issues and may have a chilling effect on participation. However, staff shares the commenter’s concern that the Environmental Justice Policy may be inappropriately cited by various interested parties to achieve outcomes not necessarily consistent with the stated goals of the policy. As with any issue that is the subject of analysis within a staff report, Commission staff will consider the totality of the circumstances in determining whether an alleged environmental justice concern has merit or not. Regarding the commenter’s suggestion that Commission staff examine “environmental justice indicators provided by CalEnviroScreen, US EPA EJSCREEN, US Census data and/or similar tools and data,” staff acknowledges that such data may serve as useful indicators to inform staff’s conclusion as to whether an environmental justice allegation has merit or not. The initial public review draft was revised to include references to these online resources in the Accountability and Transparency section of the policy (page 7, Exhibit 2).</p>

Comment ID	Summary of comments	Response
17-6	Requests that the Coastal Commission should elaborate on plans for updating hiring and training practices.	<p>The initial public review draft was revised to include an Implementation section, including an entire subsection on “Environmental Justice Staff Training and Support” (pages 10-11, Exhibit 2) with actions describing how the Commission will update hiring and training practices. The initial public review draft was also revised to add the following language to the Participation in the Process section to emphasize its commitment to integrating equity and environmental justice throughout its program: <u>“The agency will also acknowledge and include environmental justice and equity principles in its educational programs, job announcements and other communication materials whenever possible.”</u> (page 7, Exhibit 2)</p>
17-7	Requests that the Commission recommend that local governments amend their local coastal programs to address environmental justice issues.	<p>The initial public review draft was revised to include a new Local Government section in the revised public review draft, including the following language: <u>“Local governments implement Coastal Act policies at the local level through planning documents certified by the Commission. The Commission will strongly encourage local governments to amend their local coastal programs, port master plans, public works plans and long range development plans to address environmental justice issues. Staff will develop a list of best practices to help local government develop policies that reduce impacts on vulnerable communities resulting from new development.”</u> (page 6, Exhibit 2) Beyond this commitment to strong encouragement, the Coastal Act does not provide a basis for the Commission to require local governments to update their local coastal programs (for compliance with the Environmental Justice Policy or otherwise). The decision to amend a local coastal programs is within the local government’s discretion in the first instance.</p>

Comment ID	Summary of comments	Response
17-8	<p>Requests that the Coastal Commission should determine that inadequate consideration of environmental justice is grounds for appealing a coastal development permits.</p>	<p>The initial public review draft was revised to include the following language in the Coastal Access section: <u>“Where a local government fails to consider environmental justice when evaluating a proposed development that has the potential to adversely or disproportionately affect a historically disadvantaged group’s ability to reach and enjoy the coast, that failure may be the basis for an appeal to the Coastal Commission. Similarly, where a local coastal program includes policies that implement environmental justice principles, a local government’s failure to consider those principles may also be the basis of an appeal to the Coastal Commission.”</u> (page 5, Exhibit 2)</p>
17-9	<p>Requests that the Coastal Commission should condition permits on the elimination or mitigation of any potential significant impacts on vulnerable communities. If the Commission declines to incorporate the above recommendation into the Environmental Justice Policy, the commenter recommends that at a minimum, the Coastal Commission require any significant impacts on vulnerable communities be mitigated to the maximum extent feasible.</p>	<p>The initial public review draft was revised to include the following language to the Accountability and Transparency section: <u>“Analysis will assess meaningful alternatives beyond mitigation measures to re-siting projects with negative environmental health impacts in disadvantaged communities, to minimize or avoid adverse impacts to those communities. If viable alternatives are available, consider those in permitting decisions. The Commission will use the powers within its authority to examine the level of inclusive access to public recreation and affordable housing in any new coastal development, as well as being a voice for maximizing these benefits for disadvantaged communities during review of projects.”</u> (page 7, Exhibit 2) Where environmental justice impacts closely align or overlap with a coastal resource impact identified by a Chapter 3 policy of the Coastal Act, the Commission will have the clearest and strongest legal authority for requiring mitigation to eliminate or mitigate to the maximum extent feasible an environmental justice impact resulting from a proposed development.</p>

Comment ID	Summary of comments	Response
17-10	Requests that the Coastal Commission should prioritize areas of particular concern to vulnerable communities threatened by climate change in future coastal planning.	Comment noted. The Commission's Local Coastal Program (LCP) Grant Program prioritizes grant funding for local governments that are addressing climate vulnerability in environmental justice communities. In addition, the Commission's LCP Grant Program requires sea level rise vulnerability assessments to specifically evaluate impacts to environmental justice communities, and encourages local governments to develop LCP policies that address these vulnerabilities and ensure protection of coastal resources within and for the benefit of environmental justice communities. Commission staff look forward to further addressing this issue as LCPs are updated statewide.
18. Noel Johnston, email received 11/6/18		
18	Commenter expresses concerns that the definition of environmental justice is "frighteningly narrow" and asked for an emphasis on focusing on oceans, coastal conditions and pesticides before people. Commenter also asks staff to consider how "fair treatment" could be expanded upon.	The Habitat and Public Health section provides language to ensure that conservation and protection goals for habitat and species is not compromised through the following language: "Understanding that public health and the health of natural ecosystems are inextricably intertwined, ecological impacts are felt first by vulnerable and at-risk communities, and that there is no environmental justice without a healthy environment, the Commission will continue to prioritize the protection of coastal resources. This includes including sensitive habitats, watersheds, water quality, marine biodiversity, and biological productivity." (pages 8-9, Exhibit 2)
19. Cynthia Replogle, Oceano Beach Community Association, email received 11/7/18		
19	Commenter supports first public draft policy through the context of concerns in Oceano, CA, with a specific emphasis on the sections of Coastal Access, Climate Change, Access to Process, Meaningful Engagement, and Accountability and Transparency.	Comment noted.

Comment ID	Summary of comments	Response
20. Dina Gilio-Whitaker, Environmental Justice Policy and Education Consulting and Cal State San Marcos, email received 11/7/18		
20	Requests the Environmental Justice Policy acknowledge working with tribes as governments, not as individuals and requested the following change to the Respecting Tribal Concerns section: "...In addition to the Commission's formal tribal notification and consultation policy, the Commission will work collaboratively with tribes on a government-to-government basis to better understand the significance of local and regional cultural concerns..." This change was requested to affirm the sovereignty of tribes, whether they are federally recognized or not and affirms their collectivity.	The commenter's request is addressed in the Commission's Tribal Consultation Policy . The Respecting Tribal Concerns section in the initial public review draft of the Environmental Justice Policy was revised to cross-reference the Tribal Consultation Policy by adding the phrase "...In addition to <u>the requirements of the</u> Commission's formal tribal notification and consultation policy..." (page 4, Exhibit 2) to emphasize that the Commission's policy on strengthening relationships with California Native American Tribes and efforts to further outreach and collaboration will be applied in conjunction with the Environmental Justice Policy. The Commission's Tribal Consultation Policy specifies how Tribes are recognized by the Commission, which the Commission will also apply to this policy.
21. Livia Borak Beaudin, Coastal Environmental Rights Foundation, email received 11/7/18		
21	Requests that the Commission incorporate specific references within the Environmental Justice Policy related to coastal development permits and local coastal programs and emphasized that the most important aspect of the Environmental Justice Policy will be implementation. Commenter hopes that the Commission will prioritize implementation of specific environmental justice goals within its Five-Year Strategic Plan update and in its review of permits and local coastal programs, especially in the context of expanding coastal access to traditionally underserved communities.	The initial public review draft was revised to include references to coastal development permits and local coastal programs throughout the revised public review draft. Staff also added a new section on Local Government (page 6, Exhibit 2) to address how the Commission will work with local governments on local coastal programs updates. Staff also added a new Implementation section (page 9, Exhibit 2) to identify the actions the Commission will integrate into its upcoming Strategic Plan update and consider for all other future updates.
22. Rene Aiu, email received on 11/7/18		
22-1	Requests that there should be more specifics on what factors would need to be evaluated in order to determine if environmental justice was an issue of any permit.	The initial public review draft was revised to include implementation action items on identifying impacts in environmental justice communities in the subsection Coastal Development and Environmental Justice (page 11, Exhibit 2). Additionally, the Commission intends for the Environmental Justice Policy to be the framework by which staff and the Commission will consider and determine whether environmental justice is an issue of any permit. Thus, staff will use the Environmental Justice Policy as a guiding framework to evaluate environmental justice issues that arise in coastal development on a case-by-case

Comment ID	Summary of comments	Response
		basis.
22-2	<p>Commenter writes that participation in the Coastal Commission's procedures and process require not only access but also knowledge about projects, permits and issues that might affect them, and for many participation may be difficult as issues difficult to navigate in local processes and too late in the public process when issue brought before the Commission. Requests that local coastal programs and public works plans all need to be maintained and reasonably updated for any Coastal Commission decisions to be knowledgeable to the community and for public participation in coastal development and protection to be effective and relevant.</p>	<p>The initial public review draft was revised to include a new Local Government section in the revised public review draft which includes the following language: <u>"Local governments implement Coastal Act policies at the local level through planning documents certified by the Commission. The Commission will strongly encourage local governments to amend their local coastal programs, port master plans, public works plans and long range development plans to address environmental justice issues. Staff will develop a list of best practices to help local government develop policies that reduce impacts on vulnerable communities resulting from new development."</u> (page 6, Exhibit 2)</p>
23. Therese Kollerer, email received 11/7/18		
23	<p>Requests that Commission consider the lack of resources in the populations and communities that the Environmental Justice Policy is intended to support which would be necessary to identify and present their case to the California Coastal Commission. Commenter suggests that the Commission may need to have internal staff devoted to being ombudsmen for these groups.</p>	<p>The initial public review draft was revised to add the following language to the Participation in the Process section: <u>"The Commission will conduct a review of equitable access to and utilization of its existing programs and funding sources to ensure that disadvantaged populations are included in the its efforts."</u> (page 7, Exhibit 2) Additionally, the Implementation section includes the following action to seek additional staff positions to support implementation of the Environmental Justice Policy: <u>"2. Pursue budget change proposals to add an environmental justice staff positions that will focus on policy implementation, community outreach and issue identification. This will include at least one senior level staff position."</u> (page 11, Exhibit 2)</p>
24. Cynthia Hawley, Home Front Morro Bay, email received 11/7/18		
24-1	<p>Requests an amendment to the portion of the policy statement that reads <i>"The California Coastal Commission's commitment to diversity and environmental justice recognizes that the Coastal Act is an inherently equitable law..."</i> to remove the words <i>"inherently equitable law"</i> because the Coastal Act is statutory law and construing it as "equitable law" is erroneous.</p>	<p>The initial public review draft was revised to remove the statement that the <i>"Coastal Act is an inherently equitable law"</i> and modified the sentence as follows: <i>"The California Coastal Commission's commitment to diversity, equality and environmental justice recognizes that equity is at the heart of the Coastal Act an inherently equitable law, a law designed to protect California's coast and ocean commons for the benefit of all the people."</i> (page 2, Exhibit 2)</p>

Comment ID	Summary of comments	Response
24-2	Requests that staff remove reference to the "aspirational vision" of the Coastal Act and rephrase the draft policy statement so that it reads as follows: "... <i>In keeping with that aspirational vision the Coastal Act mandate to protect coastal resources and access and the legislative authority to consider Environmental Justice when acting on coastal development permits, the Commission as an agency is committed to applying this new authority to protecting coastal natural resources and providing public access and lower-cost recreation opportunities for everyone...</i> "	The initial public review draft was revised to delete the word "aspirational" and modified the sentence as follows: " <i>In keeping with that aspirational vision visionary mandate, but recognizing the agency has not always extended this mission to many marginalized communities throughout California's history, the Commission as an agency is committed to protecting coastal natural resources and providing public access and lower-cost recreation opportunities for everyone...</i> " (pages 2-3, Exhibit 2)
25. Merri Lopez-Keifer, San Luis Rey Band of Mission Indians, email received 11/7/18		
25	Commenter supports the first public draft policy with no suggested revisions.	Comment noted.
26. Lorelle Ross, Federated Indians of Graton Rancheria, email received 11/7/18		
26-1	Commenter encouraged the Commission to continue developing specific action steps to establish partnerships with Tribal Governments for access to sacred sites, and traditional gathering areas.	Comment noted. The Commission adopted a Tribal Consultation Policy in August 2018, which is the Commission's policy on strengthening relationships with California Native American Tribes, and these efforts to further outreach and improve collaboration will be applied in conjunction with the Environmental Justice Policy.
26-2	Commenter described how climate change is a significant issue that will impact areas of cultural significance and encouraged the Commission to support the use and application of Traditional Ecological Knowledge provided by tribal communities when available for project impact considerations.	The initial public review draft was revised to include additional language on traditional ecological knowledge in the Respecting Tribal Concerns section: "In addition to the <u>requirements of the Commission's formal tribal notification and consultation policy</u> , the Commission will work collaboratively with California Native American Tribes to better understand the significance of local and regional cultural concerns. <u>This includes the application of traditional ecological knowledge, as well as access to and protection of areas of cultural significance, ethnobotanical resources, traditional fishing and gathering areas, and sacred sites.</u> " (page 4, Exhibit 2)

Comment ID	Summary of comments	Response
26-3	<p>Commenter encourages the Commission to establish within the project review process methods for analyzing environmental justice impacts with mitigation measures, monitoring, and restrictions.</p>	<p>The initial public review draft was revised to include an Implementation section (page 9, Exhibit 2) with action items under subsection Environmental Justice Staff Training and Support and Coastal Development and Environmental Justice, which outlines steps the Commission will take to train staff to analyze environmental justice impacts and mitigation measures (when applicable), monitoring, and restrictions through the project review process on a case-by-case approach.</p>
<p>27. Robert García (The City Project), Yvonne Gonzalez Duncan (California League of United Latin American Citizens), Mark Magaña (GreenLatinos), and Robert Bracamontes (Bob Black Crow, Yu-va'-tal 'A'lla-mal, Acjachemen Nation, Juaneno Tribe), email received 11/7/18</p>		
27-1	<p>Commenter emphasized that California equal opportunity and antidiscrimination law under Section 11135 et seq. applies to all programs and activities administered by CCC, and by recipients of CCC financial assistance. Protections, prohibitions, and sanctions under Section 11135 are in addition to any others imposed by law. Section 11135 is not limited only to staff and work force requirements, as the Draft Policy Statement incorrectly implies.</p>	<p>The initial public review draft was revised to include the following changes to the draft Environmental Justice Policy statement to acknowledge the protections, prohibitions, and sanctions of Section 11135 and how they apply to the Commission: "<i>...The Commission is committed to <u>compliance and enforcement of Government Code Section 11135, as well as consideration of environmental justice principles as defined in Government Code Section 65040.12, consistent with Coastal Act policies, during the planning, decision-making, and implementation of Commission actions, programs, policies, and activities.</u></i>"(page 3, Exhibit 2) The initial public review draft was also revised to include the following language to the Participation in the Process section: "<u>The Commission will conduct a review of equitable access to and utilization of its existing programs and funding sources to ensure that disadvantaged populations are included in the its efforts. The agency will also acknowledge and include environmental justice and equity principles in its educational programs, job announcements and other communication materials whenever possible.</u>"(page 7, Exhibit 2)</p>

Comment ID	Summary of comments	Response
27-2	<p>Commenters noted that the Draft Policy Statement ignores compliance with federal equal opportunity and antidiscrimination laws, including Title VI of the Civil Rights Act of 1964 and its regulations. Those federal laws apply independently of the cited state laws.</p>	<p>The initial public review draft was revised to make the following changes to the draft Environmental Justice Policy statement to acknowledge the Commission's commitment to compliance with Title VI of the Civil Rights Act of 1964 and its regulations: "<u>Further, the Commission is committed to compliance with Title VI of the Civil Rights Act of 1964 and its regulations.</u>" (page 3, Exhibit 2)</p>
27-3	<p>Commenters critiqued phrasing of "aspirational" in draft policy statement as the cited state and federal laws are mandatory and not merely aspirational. They suggested it is not enough for the Commission to be "committed to consideration" of those laws as the Draft Policy Statement.</p>	<p>The initial public review draft was revised to delete the word "aspirational" and modified the sentence as follows: "<u>In keeping with that aspirational vision visionary mandate, but recognizing the agency has not always extended this mission to many marginalized communities throughout California's history, the Commission as an agency is committed to protecting coastal natural resources and providing public access and lower-cost recreation opportunities for everyone...</u>" (pages 2-3, Exhibit 2)</p>
27-4	<p>Commenters emphasized that the cited state and federal laws apply over and above the definition of "environmental justice" in the Coastal Act Section 30013 and Government Code Section 65040.12(e).</p>	<p>The initial public review draft was revised to include references to state and federal laws throughout the Environmental Justice Policy to emphasize the Commission's commitment to complying with these laws. References to federal law Title VI of the Civil Rights Act of 1964 was added as follows: "<u>Further, the Commission is committed to compliance with Title VI of the Civil Rights Act of 1964 and its regulations.</u>" (page 3, Exhibit 2) Another reference was added in the Accountability and Transparency section: "And where consistent with the Coastal Act, <u>civil rights and environmental justice laws, the Commission will propose permit conditions to avoid or mitigate impacts to underserved communities.</u>"(page 7, Exhibit 2) Additionally the following reference to Article X of the California Constitution was added to the Coastal Access section: "<u>Article X of the California Constitution guarantees the right of access to navigable waters for all people.</u>" (page 5, Exhibit 2)</p>

Comment ID	Summary of comments	Response
28. Sean Hect, UCLA School of Law, Emmett Institute on Climate Change and the Environment, email received 11/7/18		
28	<p>Commenter requested that the Commission should assess and address any inequities in access and transparency, especially where they may be correlated with the types of attributes such as income, race, religion, culture, national origin, ethnic group, age, or disability status, among other factors. To the maximum extent practicable, the Commission should develop processes and provide resources to diminish and eliminate disparities. Areas of specific concern include, for example: limitations on access to information relating to proposed projects or other items on Commission agendas; inequity in both access to Commissioners and staff, and transparency about that access; and limitations on access to information that sheds light on Commission policies, practices, precedent, and standards (for example, in administrative records, in policy documents, and from prior meeting materials).</p>	<p>Comment noted. The initial public review draft was revised to include an Implementation section, (page 9, Exhibit 2) including various actions to increase accessibility and transparency of the process for communities that face barriers to the process.</p>

II. Summary of Comment Letters Received during the Second Public Comment Period on the Revised Public Review Draft, from January 18 – February 17, 2019

Public comment was received from the following parties during the second public comment period, January 18 to February 17, 2019. Staff responses to comments are found in Table 2.

- 29. Richard Mecagni, email received on 1/16/19
- 30. Fred Collins, Northern Chumash Tribal Council, email received on 1/22/19
- 31. Arlene Versaw, email received on 1/25/19
- 32. Pam Heatherington, email received on 2/4/19
- 33. Leon Behnam, email received on 2/7/19
- 34. Katherine Biala, Citizens for Just Water, emails received on 2/12/19 and 2/14/19
- 35. Saied Kashani, email received 2/13/19
- 36. Rene Aiu, Harbor & Beach Community Alliance, Oxnard, email received 2/15/19
- 37. Livia Beaudin, Coastal Environmental Rights Foundation, email received 2/15/19
- 38. Carrie Kelly, emails received 2/16/19 and 2/18/19
- 39. Carole Truesdale, email received 2/17/19
- 40. Marce Gutiérrez-Graudiņš, Azul, email received on 2/17/19
- 41. Lynn Ross, email received on 2/17/19
- 42. Cynthia Hawley, Home Front Environmental Justice, email received 2/17/19
- 43. Betty Winholtz, email received on 2/17/19
- 44. William J. Smith, email received 2/17/19
- 45. Richard E. T. Sadowski, Home Front Environmental Justice, email received 2/18/19
- 46. Olivia VanDamme, City Surf Project, email received 2/19/19

Table 2. Staff response to public comments received on Revised Public Review Draft, from January 18 – February 17, 2019

Comment ID	Summary of comments	Response
29. Richard Mecagni, email received on 1/16/19		
29	Commenter describes concern over the disproportionate burden of Coastal Commission rules, regulations, and fees on middle income people.	Comment noted.

Comment ID	Summary of comments	Response
30. Fred Collins, Northern Chumash Tribal Council, email received on 1/22/19		
30-1	<p>Commenter expresses concern that when the Northern Chumash Tribal Council gets included with public comment, it offends and dilutes their standing. They are stakeholders and should be specifically addressed as such.</p>	<p>The final public review draft has been amended to include the following action in the Implementation section: "<u>Tribal representatives will receive acknowledgement equal to that of elected officials during general public comment and public comment on specific hearing items.</u>" (page 11, Exhibit 1)</p>
30-2	<p>Commenter expresses concern that Indigenous California Tribal Communities get lost in the general public, whereas their land was stolen from them by the government. They request that the policy should explain this history of indigenous community lands, the California Coast as their Sacred Lands, which were stolen, taken, and now Tribal Communities cannot afford to live anywhere near the coast or own land because of greed.</p>	<p>Comment noted. The revised and final public review drafts include acknowledgements of the painful history of genocide against California Native American Tribes in the Respecting Tribal Concerns section (page 4, Exhibit 1).</p>
30-3	<p>Commenter expresses concern about whether or not Implementation section of revised policy would be put into action.</p>	<p>The revised public review draft included an Implementation section, beginning on page 9 of the final public review draft (Exhibit 1). Staff will continue to address implementation even after the Environmental Justice Policy is adopted. Later in 2019, the Commission will begin the agency's Strategic Plan Update, which lays out key goals and objectives for the next five years. The Strategic Plan Update will include a new environmental justice and equity section, where the policy's implementation goals will be added to ensure public accountability. Environmental justice groups and stakeholders will have numerous opportunities during the public review period to review and comment on this section.</p>
30-4	<p>Requests that there should be an implementation/follow-up section, which should include a follow-up summary for effectiveness of implementation of all mitigations and policies, to the statement of environmental justice principles section.</p>	<p>Comment noted. The revised and final public review drafts includes an Implementation section, beginning on page 9 in the final public review draft (Exhibit 1).</p>

Comment ID	Summary of comments	Response
30-5	Requests that in Respecting Tribal Concerns section that they be addressed as California Native American Tribes.	The final public review draft includes the requested change to the term “California Native American Tribes” in the Respecting Tribal Concerns section of the final public review draft (page 4, Exhibit 1) and all other mentions of tribes in the document. Additionally, this is the term used in the Commission’s Tribal Consultation Policy .
30-6	Requests that each section of the policy include an implementation follow-up, and similarly where mitigations are approved, there should be follow-up with everyone to ensure all are on the same page.	Comment noted. See comment response 30-3.
31. Arlene Versaw, email received on 1/25/19		
31	Commenter suggests for engagement of stakeholders a coordinated media blitz to introduce this policy and make its presence known and understood.	Informing stakeholders of the policy and helping them understand its purpose is very important. The Immediate Next Steps section of the revised and final public review drafts (page 13, Exhibit 1) commits staff to releasing a public engagement plan that will outline the timeline, outreach tools and other details related to gathering feedback on the Strategic Plan Update and the implementation phase of the Environmental Justice Policy.
32. Pam Heatherington, email received on 2/4/19		
32-1	Commenter asks whether it is possible to have some case studies available because people may think they have an environmental justice issue but aren't sure and suggested that a variety of case studies may be helpful.	Comment noted. Examples/case studies will be included in the March 8, 2019 staff presentation at the Commission hearing.

Comment ID	Summary of comments	Response
32-2	<p>Commenter asks how the Commission will identify an environmental justice opportunity in a community that may not understand they are an environmental justice community?</p>	<p>Comment noted. The Implementation section in the both the revised and final public review drafts (page 9, Exhibit 1) contains action items on environmental justice staff training and support and coastal development and environmental justice, which outline steps the Commission will take to train staff to analyze environmental justice impacts and mitigation measures (when applicable), monitoring, and restrictions through the project review process on a case-by-case approach. Staff will be using various online tools and data sets, as referenced in the policy, to identify environmental justice communities that may be affected but are unaware. Staff will be working on training as well so they understand how to apply these tools to identify and evaluate potential environmental justice impacts in the Commission's permitting and planning work.</p>
32-3	<p>Commenter asks that if projects overlap but are segmented in review and the potential for pollution to these communities is great, how will these be recognized?</p>	<p>Comment noted. Ideally, CEQA compliance will prevent willful segmentation of projects. Moreover, cumulative impacts associated with any given development proposal are analyzed as part of the Commission's review process. Staff's analysis of environmental justice will be aided by the development of a checklist to use during the initial project review stage. This will help to identify potential issues early in the process.</p>
<p>33. Leon Behnam, email received on 2/7/19</p>		
33	<p>Commenter describes examples of environmental justice inequities in South San Diego Bay (Chula Vista, Imperial Beach, National City and South San Diego), and requests staff to meet with stakeholders in the region.</p>	<p>Comment noted. The final public review draft does not address specific concerns relating to South San Diego Bay cited by the commenter because the Environmental Justice Policy itself is not intended to address specific local issues or projects. Rather, it is a broader framework of substantive policies and commitments to address environmental justice in administration of the Commission's existing program. Commenter should reach out to San Diego District staff regarding their specific concerns, and district staff will work to address said concerns in a manner consistent with the adopted policy.</p>

Comment ID	Summary of comments	Response
34. Katherine Biala, Citizens for Just Water, emails received on 2/12/19 and 2/14/19		
34-1	<p>Requests staff add the following language in bold to the environmental justice policy statement in the revised public review draft: "<u>...The Commission will use its legal authority to advance clean, healthy, and accessible coastal environments for communities who have been disproportionately overburdened by pollution or subjected to permanent damages to their natural resources for the benefit of wealthier communities...</u>"</p>	<p>The final public review draft has been revised to add the following language: "<i>...The Commission will use its legal authority to advance ensure equitable access to clean, healthy, and accessible coastal environments for communities who that have been disproportionately overburdened by pollution <u>or</u> with natural resources that have been subjected to permanent damage for the benefit of wealthier communities.</i>" (page 3, Exhibit 1).</p>
34-2	<p>Commenter requests that "will" should be changed to "shall". Commenter requests the change because "shall" is stronger language for implementing policy than "will."</p>	<p>Although staff does not agree that "shall" holds any more binding legal effect than "will" in the context of a non-regulatory document, some references have been changed in the final public review draft (Exhibit 1) In other instances, "will" was retained because it is the more appropriate word choice.</p>
34-3	<p>Commenter requests the following language to be added to the Housing section of the policy: "<u>The issue of current and valid groundwater rights or land rights for any proposed development shall be verified by the Coastal Commission. No permitting for any development will occur unless such documented rights have been produced and verified. Future rights for water or land are deemed non-admissible for permit consideration.</u>"</p>	<p>Comment noted. The final public review draft has not been revised to include the suggested language because issues relating to groundwater and land rights are evaluated in a situation-specific manner.</p>

Comment ID	Summary of comments	Response
34-4	<p>Requests that staff edit the following sentence in the Climate Change section of the revised public review draft so that avoidance of hazardous facilities is before "cleanup" and that impacts to seawater intrusion are acknowledged: "Within its existing authority, the Commission will <u>shall</u> prioritize the cleanup and avoidance of or clean-up of <u>negative impacts</u> hazardous facilities in flood-prone areas <u>or vulnerable areas of seawater intrusion</u> and will work to advance buffering measures like wetlands restoration that prevent seawater intrusion into groundwater supplies <u>or prevent the building or operations of hazardous facilities on the coastline.</u>"</p>	<p>The final public review draft has been revised to include the following language: "Within its existing authority, the Commission will <u>avoid the siting of and avoidance of existing hazardous facilities in flood-prone areas or areas vulnerable to seawater intrusion, prioritize the cleanup or relocation of existing hazardous facilities, and will</u> work to advance buffering measures like wetlands restoration that prevent seawater intrusion into groundwater supplies." (page 9, Exhibit 1)</p>
34-5	<p>Requests adding the following implementation action under engagement with affected communities in the Implementation section: "<u>Establish a protocol for not just disseminating informational material but for receiving and addressing concerns of the public on proposed or current coastal projects that enables communities to easily notice the Coastal Commission.</u>"</p>	<p>The final public review draft includes the following revision to implementation action #3 under the implementation subsection Engagement with Affected Communities: "Establish a protocol for disseminating <u>and receiving</u> informational material that can be easily understood by disadvantaged communities identifying projects with environmental justice concerns findings." (page 10, Exhibit 1)</p>
34-6	<p>Requests the following implementation action under engagement with affected communities in the Implementation section: "Establish protocols that establish accountabilities for Coastal Commission replies and recommended actions associated with complaints/concerns received."</p>	<p>Comment noted. Existing protocols for responding to public inquiries will be enhanced through coordination with the agency-wide Environmental Justice Team, which has at least one representative in every district office.</p>

Comment ID	Summary of comments	Response
34-7	<p>Requests adding the following language to implementation action #4 under Environmental Justice Staff Training and Support in the Implementation section: "Provide a base level of training on equity and environmental justice issues for the entire staff. <u>Invite disadvantaged community members to be part of the training to expose staff to the real struggles that have or are being faced by disadvantaged communities facing powerful and well monied opponents. First-hand knowledge can bring a level of empathy in the staff training that is necessary.</u> Video tape the training for future staff."</p>	<p>In the final public review draft, staff revised implementation action #4 in the Environmental Justice Staff Training and Support subsection: "Provide a base level of training on equity and environmental justice issues for the entire staff, <u>which can include inviting environmental justice experts as speakers, language sensitivity training and other strategies.</u> Video tape the training for future staff." (page 11, Exhibit 1)</p>
34-8	<p>Request adding the following language to implementation action #2 under Coastal Development and Environmental Justice in the Implementation section: "Develop an internal checklist for staff <u>that shall be used to analyze</u> the level of potential environmental justice impacts associated with a proposed project. Have staff identify environmental justice communities in the area and potential impacts of the projects on those communities."</p>	<p>Comment noted. Staff did not accept this change because while the checklist is an important tool, analysis of environmental justice issues for any given development proposal will be conducted on a case-by-case basis. The checklist will be used to help staff analyze the level of potential impacts.</p>
34-9	<p>Requests adding the following language to implementation action #3 under Coastal Development and Environmental Justice in the Implementation section: "Include a <u>mandatory</u> analysis of environmental justice issues in applicable staff reports, and proposed mitigation measures to avoid or fully mitigate identified impacts, in a manner that is fully consistent with Chapter 3 or local coastal program policies."</p>	<p>Comment noted. Staff did not accept this change because the Commission's environmental justice authority under the Coastal Act Section 30604(h) states that the Commission <i>may</i> consider environmental justice when action on a coastal development permit. Making the requested change would create a compulsory obligation on the Commission's behalf where the Coastal Act provides the Commission discretion.</p>

Comment ID	Summary of comments	Response
35. Saied Kashani, email received 2/13/19		
35-1	<p>Commenter says that the environmental justice policy does not take into account or mention or address the long history of legal, de facto and informal discrimination against minorities in Coastal residency and housing. As a result of this history, minorities have had difficulty buying or even renting houses by the coast and most coastal communities are all-white or mostly-white enclaves.</p>	<p>The final public review draft includes the following language in the Housing section: <u>“The Commission acknowledges the historical use of discriminatory housing policies in California and their impact on present day demographics in the coastal zone. Home deeds often included restrictive covenants, preventing homeowners from selling or renting to certain classes of buyers, most often members of specified racial or other minority groups. For example, a 1920’s-era subdivision in Palos Verdes Estates in Los Angeles County included thirty pages of restrictions, protecting against “encroachment by any possible developments of an adverse sort,” and prohibiting rent or sale to African- or Asian-American families. By the late 1970s neighborhoods that had benefited from decades of discrimination against racial minorities translated that benefit into higher property values, despite the end of widespread public and official housing discrimination.”</u> (pages 5-6, Exhibit 1)</p>
35-2	<p>Requests that the Commission provide affirmative action for bona fide minority applicants. To the extent possible the Commission should assist minority applicants who in the past would have been subject to discrimination, to allow more minority home ownership along the Coast. Perhaps reduced fees or faster processing times can be used.</p>	<p>Comment noted. The final public review draft does not include this request because there is no statutory basis for the Commission to provide preferential treatment for minority applicants with respect to coastal permit application processing.</p>

Comment ID	Summary of comments	Response
35-3	<p>Requests that the Commission should take "pre-Coastal" into account when evaluating new projects because the Commission is often charged with comparing a proposed new project to pre-existing projects to see if the new project or home is "consistent with community character" for example in size, scale, etc. Often in making this assessment, the Commission or staff will deliberately disregard/not consider "pre-Coastal" houses or projects. For example in comparing size or scale of a proposed new house, the Commission or staff will not include in the comparison nearby large houses that were built before the Coastal Act, saying these houses are "pre-Coastal". Commenter describes that this approach forgets that minority applicants were not allowed to build houses on the coast "pre-Coastal" and validates past discrimination. The commenter requests that all existing development in any area should be considered when assessing new projects.</p>	<p>Comment noted. The Commission does not disregard pre-Coastal Act development when comparing a proposed development to surrounding properties, for example with respect to analysis of impacts to 'community character' or for purposes of a takings analysis.</p>
35-4	<p>Commenter expresses concern that Commission staff is not reflective of the population of California as a whole and that the Director of the Commission has always been a white male. Commenter states that there are no lack of qualified recruits, and for example other jurisdictions, such as building department of City of Los Angeles is well integrated and has many minorities in high positions.</p>	<p>The commenter's concern is addressed through the following language in the Environmental Justice Policy statement: "...It is also the California Coastal Commission's goal, consistent with Public Resources Code Section 30013 and Government Code Section 11135, to recruit, build, and maintain a highly qualified, professional staff that reflects our state's diversity. Further, the Commission is committed to compliance with Title VI of the Civil Rights Act of 1964 and its regulations." (page 3, Exhibit 1) In addition, the Commission is in the process of preparing a Racial Equity Action Plan to inform staff recruitment, hiring, retention and promotion throughout the agency.</p>
35-5	<p>Requested that Commission meetings be held in areas other than all-white enclaves on the Coast and that the Commission consider holding meetings at least partially in the evening when working people can attend.</p>	<p>The final public review draft added language to the Participation in the Process section (page 7, Exhibit 1) that commits the Commission to holding at least three meetings per year in inland areas accessible by public transit and working to offer public comment at the beginning and end of meetings. The first of these inland meetings will be the April 2019 meeting in Salinas.</p>

Comment ID	Summary of comments	Response
36. Rene Aiu, Harbor & Beach Community Alliance, Oxnard, email received 2/15/19		
36-1	Requests that the Commission should clearly include informal barriers that disconnect underserved lower-income communities from access to coastal areas in the final Environmental Justice Policy because these barriers convey the message “you are not welcome here”.	The final public review draft has been amended to include the following language in the Coastal Access section: “The Commission reaffirms its long-standing commitment to identifying and eliminating barriers, <u>including those that unlawfully privatize public spaces</u> , in order to provide for those who may be otherwise deterred from going to the beach or coastal zone.” (page 5, Exhibit 1) For more information, see the Commission’s January 15, 2019, Enforcement Report on public access violations and rate of resolution.
36-2	Requests that the Commission needs to describe how it will consider and manage these types of subtle informal barriers.	See comment response 36-1.
36-3	Commenter requested that the Commission should continue its efforts to revive the successful 1970’s program that required substantial mixed-income housing in all new coastal development and wrote in support of the Commission seeking legislation to restore Coastal Act policies protecting affordable housing.	Comment noted. The Commission has actively supported such legislative measures, most recently AB 663 (Bloom, 2018). The final public review draft states that the Commission will support legislative efforts to restore the agency’s affordable housing authority that was removed by the Legislature (page 6, Exhibit 1).
36-4	Requested that the Commission should strongly recommend that local governments keep their local coastal plans reasonably updated and incorporate environmental justice issues in their plans.	Comment addressed in revised public review draft. Staff added a Local Government section, which includes the following language: "The Commission will strongly encourage local governments to amend their local coastal programs, port master plans, public works plans and long range development plans to address environmental justice issues." (page 6, Exhibit 1)
36-5	Requested that the Commission should develop a list of best practices for local governments to implement its environmental justice policy.	Comment addressed in revised public review draft. The final public review draft includes the following language in the Local Government section: "Staff will develop a list of best practices to help local government develop policies that reduce impacts on disadvantaged vulnerable communities resulting from new development." (page 6, Exhibit 1). AB 2616 authorizes local governments to consider environmental justice in their permitting decisions, but local governments are not obligated to implement the Commission’s policy

Comment ID	Summary of comments	Response
		directly.
36-6	Requested that the Commission should consider if legislation is needed to provide an appeal process based upon its Environmental Justice Policy.	Comment noted. The final public review draft contains the following language in the Coastal Access section: “Where a local government fails to consider environmental justice when evaluating a proposed development that has the potential to adversely or disproportionately affect a historically disadvantaged group’s ability to reach and enjoy the coast, that failure may be the basis for an appeal to the Coastal Commission. Similarly, where a local coastal program includes policies that implement environmental justice principles, a local government’s failure to consider those principles may also be the basis of an appeal to the Coastal Commission” (page 5, Exhibit 1)
37. Livia Beaudin, Coastal Environmental Rights Foundation, email received 2/15/19		
37-1	Commenter wrote in support of Commission's revised draft Environmental Justice Policy and encourages the Commission to use its current authority and enforcement powers to ensure all Californians have an opportunity to enjoy or public trust resources.	Comments noted.
37-2	Commenter urged Commission to re-establish its prior affordable housing authority, but to expand its administrative enforcement authority.	Comments noted. The Commission will support the restoration of its prior authority but expansion of the Commission’s administrative penalty authority is the purview of the Legislature.

Comment ID	Summary of comments	Response
38. Carrie Kelly, emails received 2/16/19 and 2/18/19		
38	<p>Commenter described issues on OC beaches and the mismanagement of these areas and concern of impacts to beach areas resulting from private recreation activities on the beach and seawalls and emphasized the importance of protecting the beach first, not the people.</p>	<p>Comment noted. The final public review draft does not address concerns relating to Orange County beaches because the Environmental Justice Policy itself is not intended to address specific local issues or projects. Rather, it is a broader framework of substantive policies and commitments to address environmental justice in administration of the Commission’s existing program. The policy, does, however broadly recognize that the impacts of climate adaptation measures “such as sea walls, may further reduce access to public trust resources and coastal recreation areas for all residents, particularly lower income residents living inland” (page 8, Exhibit 1) Commenter should reach out to South Coast District staff in Long Beach regarding their specific concerns, and district staff will work to address said concerns in a manner consistent with the adopted policy.</p>
39. Carole Truesdale, email received 2/17/19		
39	<p>Requested that Environmental Justice Policy should address economic hardships for people and communities that are affected and fall under the jurisdiction of the State of CA, especially the City of Morro Bay. Commenter describes lack of financial stability among certain income groups, housing and healthcare burdens, and local economic concerns in Morro Bay, such as a significant retired populations and low elementary school registration due to families unable to afford living in the city.</p>	<p>Comment noted. Staff added references to "income" throughout the final public review draft (Exhibit 1) to address concerns that Environmental Justice Policy should address economic hardships. The policy does not address specific concerns relating to Morro Bay because the Environmental Justice Policy itself is not intended to address specific local issues or projects. Rather, it is a broader framework of substantive policies and commitments to address environmental justice in administration of the Commission’s existing program. Commenter should reach out to Central Coast District staff regarding their specific concerns, and district staff will work to address said concerns in a manner consistent with the adopted policy.</p>

Comment ID	Summary of comments	Response
40. Marce Gutiérrez-Graudiņš, Azul, email received 2/17/19		
40-1	<p>Requested that the Commission should expand in the final Environmental Justice Policy upon the substantive and procedural rights encompassed in environmental justice in detail. Although the Commission recognizes substantive and procedural measures for past and ongoing inequitable coastal management, specifically defined as “equitable distribution of environmental benefits” and “equitable access to the process where significant environmental and land use decisions are made” respectively the commenter requests that the final Environmental Justice Policy explain how these rights will be protected. The Commenter provided comments that further expand on what these rights entail which include equitable coastal access for all Californians, equitable consideration of siting climate change mitigation measures limiting coastal access, and the right to appeal Coastal Development Permits (CDPs) on the grounds of inadequate consideration of environmental justice.</p>	<p>See comment response 17-1.</p>
40-2	<p>Commenter asserts that the Environmental Justice Policy fails to provide sufficient detail regarding deadlines and a specific implementation timeline for the final policy, specifically for the outline of a timeline for gathering feedback on the implementation phase of the policy and a more specific timeline and deadlines for achieving compliance with the final policy. Commenter recommends that the Commission utilize the bi-annual public review on the policy as an opportunity to evaluate whether the Commission is fully implementing the final policy.</p>	<p>Comment noted. At this time, it is not possible to provide specific deadlines to each of the implementation measures as requested by this comment. Later this year, the Commission will hold a series of hearings on updating its Strategic Plan, which establishes the agency’s top priorities for the next five years. The policy’s implementation goals will be included in the Strategic Plan’s new section on Environmental Justice and Equity. These priorities will be addressed as part of the agency’s overall, ongoing workload.</p>

Comment ID	Summary of comments	Response
40-3	<p>Commenter asserts that the final Environmental Justice Policy should shift the responsibility of demonstrating the impacts of the proposed projects away from overburdened and/or vulnerable communities. Commenters requested that the Commission assign its own staff to research and study potential environmental justice impacts of proposed projects. Should the Commission delegate this research to universities or nonprofits, Azul recommends that the Commission support these organizations monetarily when necessary. In the alternative, the Commission should explicitly acknowledge in the final policy that its procedures overburden disadvantaged communities, and express support for state funding for programs that will reduce or eliminate that burden.</p>	See comment response 17-4.
40-4	<p>Requested that the final Environmental Justice Policy should more accurately identify environmental justice representatives and suggests the following: (1) establish more concrete steps for Commission Staff to prevent astroturfing—defined as the organized effort to create the false impression of a grassroots movement; (2) request that groups disclose funding sources and interests; and (3) seek to verify whether groups are truly representative of overburdened communities by examining environmental justice indicators provided by CalEnviroScreen, U.S. EPA, EJSCREEN, U.S. Census data and/or similar tools and data</p>	See comment response 17-5.

Comment ID	Summary of comments	Response
40-5	<p>Requested that the Commission recommend that local governments amend their local coastal programs to address environmental justice issues by incorporating a specific timeline for local governments to bring their existing local coastal programs (LCPs) into compliance with the final policy. Azul specifically requests that the Coastal Commission add language to the final policy providing for the review of all LCPs to ensure compliance with the final policy no later than a date certain, ideally December 31, 2020.</p>	<p>See comment response 17-7. The policy cannot accommodate this request, as the decision to amend an LCP is within the local government’s discretion in the first instance.</p>
40-6	<p>Requested that the Coastal Commission should determine that inadequate consideration of environmental justice is grounds for appealing a coastal development permit (CDP). Commenter requested specifically that the Commission clarify that failing to consider environmental justice denies members of environmental justice communities their constitutional right of equitable coastal access guaranteed by Article X of the California Constitution. The Commission’s final policy should clearly state that failing to consider environmental justice in a CDP application constitutes a violation of Chapter 3 of the Coastal Act.</p>	<p>See comment responses 17-3 and 17-8.</p>

Comment ID	Summary of comments	Response
40-7	<p>Requests that the Coastal Commission should condition permits on the elimination or mitigation of any potential significant impacts on vulnerable communities. Specifically commenter recommends that the final Environmental Justice Policy state that the Commission shall consider traditional ecological knowledge when evaluating mitigation measures. Additionally, commenter requests that The final policy should make clear that inadequate consideration of environmental justice in the issuing of coastal development permits constitutes a violation of Chapter 3 of the Coastal Act—which guarantees “maximum [coastal] access . . . for all the people”—and is thus grounds for an appeal.</p>	<p>See comment responses 17-3and 17-8. The final public review draft contains a reference to “cultural and ecological knowledge” in implementation action #7 the implementation subsection Engagement with Affected Communities (page 11, Exhibit 1).</p>
40-8	<p>Commenter asserts that the Coastal Commission should prioritize areas of particular concern to vulnerable communities threatened by climate change in future coastal planning and that the final policy state that consideration of disproportionate impacts of climate change means prioritizing the protection of “access hotspots” when planning for the effects of climate change. Moreover, commenter reiterates its recommendation that the final policy state that coastal development permits in regions with access hotspots shall be conditioned on the elimination or mitigation of any access-limiting impacts—such as sea walls designed to adapt to sea level rise.</p>	<p>Comment noted. See comment response 17-10. Impacts to public access are considered on a case-by-case basis in the analysis of permit applications. The policy does not give the Commission the authority to preemptively determine that particular permit conditions will be required based on location or type of development.</p>
<p>41. Lynn Ross, email received on 2/17/19</p>		
41-1	<p>Commenter asserts that the revised Environmental Justice Policy draft ignores Coastal Act and Standard hours law.</p>	<p>Comment noted. This comment relates to labor law practices, and is beyond the scope of the Commission’s Environmental Justice Policy.</p>

Comment ID	Summary of comments	Response
41-2	<p>Commenter asserts that the revised draft is counter-intuitive to promoting and having environmental justice and equity due to its promotion of breathing carcinogenic smoke using wood-burning beach fires and encouraging use of wood-burning fires is an insult to communities who already contend with pollutants. The commenter further asserts that the Commission's attempt to compel cities to amend their local coastal programs (LCPs) for smoke-emitting wood fire pits is anti-environmental justice and that smoke from wood-fires prevent access to people who must not inhale smoke due to medical-related health problems. Commenter requests the Commission should be doing everything it can to encourage and make sure propane fires are cheaply available to everyone -- not wood-burning.</p>	<p>Comment noted. Add stock language? See comment 5-1. The Commission does not compel cities to amend their LCPs regarding fire pits.</p>
41-3	<p>Commenter expresses concern about Commission staff who spoke against wood-burning fires at Commission meeting in December 2015 and that various precedents regarding wood-burning and propane-only fires were set during the December 2015 hearing.</p>	<p>See comment response 5-1 Additionally, this comment mischaracterizes the Commission's 2015 action. In December of that year, the Commission denied the City of Carmel's permit replace all existing wood-burning fire rings with propane. The following year, the City took another action to implement a pilot program allowing wood-burning fires in "fire kettle cauldrons" placed on the beach south of 10th Avenue, and allowing unlimited propane fires throughout the beach area. The program still allows wood-burning beach bonfires, but prohibits them directly on the sand. The city's permit did not set a statewide precedent.</p>
41-4	<p>Commenter requests that Environmental Justice Policy consider smoke at the beach as a barrier to coastal access for those who may be otherwise deterred from going to the beach or Coastal Zone.</p>	<p>See comment response 5-1.</p>

Comment ID	Summary of comments	Response
42. Cynthia Hawley, Home Front Environmental Justice, email received 2/17/19		
42-1	<p>Requests that the Environmental Justice Policy should explicitly include the equal right of all Californians to a full participation in the land use decision-making processes and suggested staff amend the Environmental Justice Policy statement from the first public review draft as follows with the underlined text: "The California Coastal Commission's commitment to diversity and environmental justice recognizes that the Coastal Act is an inherently equitable law, designed to <u>protect and empower the equal right of all Californians to fully participate in the land use decision-making processes that protect California's coast and ocean commons for the benefit of all the people...</u>"</p>	<p>The Environmental Justice Policy statement in the final public review draft has been revised to acknowledge that the Coastal Act is intended to "<u>empower the public's full participation in the land-use decision-making process that protects California's coast and ocean...</u>" (page 2, Exhibit 1)</p>
42-2	<p>Requests that the final Environmental Justice Policy and text expanding on it should include "incomes" to reflect the law and include all groups.</p>	<p>The final public review draft includes reference to income on pages 3, 5, 13, 15 and 17 in Exhibit 1.</p>
42-3	<p>Requests that the Commission should exercise extra care to include consideration of environmental justice issues and policies when considering the consolidation of permit hearings under Coastal Act Section 30601.3.</p>	<p>Comment noted. Environmental justice should be considered when making a determination whether to consolidate a permit under Section 30601.3. However, Section 30601.3(a) specifically requires a finding that "public participation is not substantially impaired by that review consolidation." In practice, this has meant that the Commission does not typically agree to consolidation if there is local opposition.</p>

Comment ID	Summary of comments	Response
42-4	Requests that Appendix A from the first public review draft of the Environmental Justice Policy, which contains the bill text from AB 2616 and definition of environmental justice, be re-included into the policy document.	Comment noted. The bill text from AB 2616 can be found in Exhibit 3. The final public review draft also includes the definition “environmental justice” in a new Glossary of Terms section (page 16, Exhibit 1) which uses the definition in the bill text.
43. Betty Winholtz, email received on 2/17/19		
43-1	Requests that "income" be added as a group of disadvantage on page 3, paragraphs 1 and 3 when listing characteristics of individuals that opportunities should not be denied on the basis of.	See comment response 42-2.
43-2	Commenter asserts that the term "underserved" is ambiguous in the following statement from the Meaningful Engagement section on page 5: "...to communicate consistently, clearly, and appropriately with environmental justice groups and underserved communities."	The commenter correctly observes that the term “underserved” is not defined in the document, “Underserved” is meant to be used interchangeably with the terms “disadvantaged and marginalized” as defined on page 3 (Exhibit 1) of the policy and in the Glossary of Terms (page 16, Exhibit 1) of the final public review draft. Staff will recommend these changes in the addendum.
43-3	Requests that the language "socio-economic status" on page six of the Coastal Access section be replaced with "income."	See comment response 42-2. The final public review draft retains the references to “socio-economic” and adds the reference to income on pages 3 and 5. The final policy also includes reference to income on pages 13, 15 and 17, as well as multiple references to “low-income.”

Comment ID	Summary of comments	Response
43-4	<p>Commenter asserts that the following statement from the Coastal Access section is really important and that such recreational opportunities not be concentrated in a certain area, but along the full length of the coast: "This includes recreational opportunities such as parks, trails, surf spots, beach barbecue and fire pits, safe swimming beaches, fishing piers, campgrounds, and associated free or low-cost parking areas. The conversion of lower-cost visitor-serving facilities to high-cost facilities is also a barrier to access for those with limited income, and contributes to increased coastal inequality. The Commission will strive for a no-net-loss of lower-cost facilities in the coastal zone, while implementing a longer-term strategy to increase the number and variety of new lower-cost opportunities. " (page 5, Exhibit 1)</p>	Comment noted.
43-5	<p>Commenter questioned the language on page 5 in Exhibit 1 of the revised draft Environmental Justice Policy stating "Where a local government fails to consider environmental justice when evaluating a proposed development that has the potential to adversely or disproportionately affect a historically disadvantaged group's ability to reach and enjoy the coast, that failure may be the basis for an appeal to the Coastal Commission..." and whether this applies to those who live and work on the coast and their ability to stay where they live and work.</p>	Comment noted.
43-6	<p>Commenter wrote in support of sections of the Housing section.</p>	Comment noted.

Comment ID	Summary of comments	Response
43-7	<p>Commenter asks with regards to the Local Government section of the Environmental Justice Policy what happens when it is the local government that is abusing its own vulnerable community? The commenter asserts that there are more punitive practices which keep the public out of the process.</p>	<p>Comment noted. AB 2616 gives both the Commission and local governments the authority to consider environmental justice in their coastal development permits. The Commission will encourage local governments to consider adopting policies that address local justice issues at the local level, and to amend their local coastal programs to reflect those policies (See Local Government section, page 6-7, Exhibit 1).</p>
43-8	<p>Commenter asserts that consolidated permits need to go away if the Commission is "committed to identifying and eliminating barriers to its public process..." as stated on page 8 in the Participation in the Process section of the revised draft Environmental Justice Policy.</p>	<p>See comment response 42-3.</p>
43-9	<p>Commenter asserts that if the Commission wanted equity, access to coastal staff in terms of time, consultation, and information would be the same with the Public as it is with developers and city/county staffs.</p>	<p>Comment noted.</p>
43-10	<p>Commenter asserts that economics, which is pushing people out, should be considered in addition to environmental health impacts in the following language of the Accountability and Transparency section of the revised draft Environmental Justice Policy (page 9): "Analysis will assess meaningful alternatives beyond mitigation measures to re-siting projects with negative environmental health impacts in disadvantaged communities, to minimize or avoid adverse impacts to those communities."</p>	<p>Comment noted. Although the Commission has no ability to counteract economic market forces, the Commission may be able to address specific economic impacts associated with proposed new development (<i>e.g.</i>, loss of lower-cost visitor serving accommodations). This determination can be made on a case by case basis, consistent with other Coastal Act policies.</p>

Comment ID	Summary of comments	Response
44. William J. Smith, email received 2/17/19		
44-1	Commenter expresses support for implementation actions #3 and #6 in the subsection Coastal Development and Environmental Action (page 12, Exhibit 1) of the revised draft Environmental Justice Policy.	Comment noted.
44-2	Commenter asserts that legislation to restore the Commission's original mandate to protect and provide affordable housing is needed to both better integrate coastal communities and mitigate and adapt to climate change.	Comment noted. See comment response 36-3.
44-3	Commenter wants Commission staff to focus on developing direct face-to-face relationships with community based organizations and disadvantaged communities. While print and electronic communications like listservs and web pages are easy to catalog and track, personal relationships are required to see that such communications are truly effective. The proposed addition of staff in every district office of the Coastal Commission to be the point of local contact for environmental justice and stakeholders is essential for meaningful outreach to disadvantaged communities.	Comment noted. See Implementation section on Environmental Justice Staff Training and Support, action items #1, 3 and 6 (pages 11-12, Exhibit 1).
45. Richard E. T. Sadowski, Home Front Environmental Justice, email received 2/18/19		
45	Commenter provided example of an environmental justice issue that Morro Bay citizens are currently facing in the document "Major Morro Bay WRF Project Cost Impacts Caused by Dilapidated Sewage Collection System" and requested document be added to the public record for the March 2019 Commission meeting.	Comment noted. The Commenter's letter and attachment are included in the public record of this proceeding as part of Exhibit 4. Staff did not address specific concerns relating to the Morro Bay Waste Water Treatment Facility described in the report because the Environmental Justice Policy itself is not intended to address specific local issues or projects. Rather, it is a broad framework of substantive policies and commitments to address environmental justice in administration of the Commission's existing program. Commenter should reach out to the Central Coast District Staff regarding their specific concerns, and District Staff will work to address said concerns in a manner consistent with the adopted policy.

Comment ID	Summary of comments	Response
46. Olivia VanDamme, City Surf Project, email received 2/19/19		
46	<p>Commenter encourages Commission to use “asset based language” to describe communities as opposed to terms such as “at-risk”, “disadvantaged”, “low-income”, etc. that focus on community deficits that reinforces negative stereotypes rather than focusing on the strengths and assets that can be empowered in these communities.</p>	<p>Staff added the following language to the introduction of the final public review draft (pages 3-4, Exhibit 1): This policy uses the terms “disadvantaged” and “marginalized” and “underserved”^[1] interchangeably; it intends to encompass not only the definitions contemplated by SB 1000,^[2] but also to include other low-income <u>communities and minority populations communities of color</u>^[3] that are disproportionately burdened by or less able to prevent, respond, and recover from adverse environmental impacts. <u>The Commission recognizes that all of these communities have assets and are valuable stakeholders, and the purpose of this policy is to empower these communities that have been historically excluded from accessing the benefits of coastal development and resources due to discriminatory implementation of local, state, and federal policies and lack of access to the process and decision makers.</u>^[4] This policy uses the term “equity” as defined in the context of social and racial equity,^[5] where “equity” refers to the fairness of achieving outcomes for all groups and no one factor, such as race, can be used to predict outcomes.</p>