

Environmental Law NEWS



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Editor's Note...

by Julia Stein

As we close out 2018—our first year as part of the California Lawyers Association—we're excited to bring you another issue of Environmental Law News featuring a broad range of topics and voices. Our issue starts with a message from this year's Environmental Section Executive Committee Chair, Nicole Gordon, recounting this year's wonderful Yosemite Conference and reminding us of opportunities to get involved with the Section and CLA in the coming year. I especially want to echo her solicitation for articles for Environmental Law News, webinar topics, and other suggestions you think would be helpful to our membership. As we continue to grow with CLA, we remain committed to providing our Section members with meaningful programming and educational opportunities—so please let us know how we can best serve you!

Following Nicole's message, Meredith Hankins brings us a thorough analysis of a proposed change to stationary source regulation under the Clean Air Act as part of the Trump administration's "Affordable Clean Energy" rule. Next, Justin Lee provides a perspective on enforcement against environmental crimes in the context of protecting California's declining abalone population. Martin Stratte and George Kenline explain the import to CEQA practitioners of two recently enacted laws, SB 1000 and AB 617, both of which purport to address environmental impacts to disadvantaged communities. Philip Williams and Elena Idell analyze *Weyerhaeuser Co. v. U.S. Fish and Wildlife Service*, recently decided by the United States Supreme Court, and offer their thoughts on the case's intersection with the Chevron doctrine. Finally, Jan Stevens closes our issue with a discussion of the California Court of Appeal's decision in *Environmental Law Foundation v. State Water Resources Control Board*, extending application of the public trust doctrine to groundwater. With so much happening in our field at both the state and federal levels, we're glad to be able to bring you analysis on a variety of topics, and look forward to engaging with you in 2019!

Table of Contents

Chair's Message	3
<i>by Nicole Gordon</i>	

Déjà Vu All Over Again: Failed Reforms from the George W. Bush Administration Make a Reappearance in Trump EPA's Approach to Stationary Source Regulation	4
<i>by Meredith J. Hankins</i>	

Decline of the Abalone in California: A Local Enforcement Perspective	15
<i>by Justin J. Lee</i>	

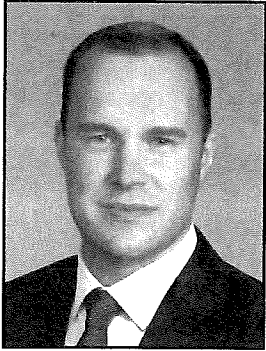
Protecting California's Disadvantaged Communities—An Examination of How the State's New Environmental Justice Laws May Affect the CEQA Entitlement Process	21
<i>by Martin P. Stratte and George H. Kenline</i>	

Counting the Cost: <i>Weyerhaeuser</i> and Judicial Deference to Agency Interpretations Under the Endangered Species Act	28
<i>by Philip Williams and Elena Idell</i>	

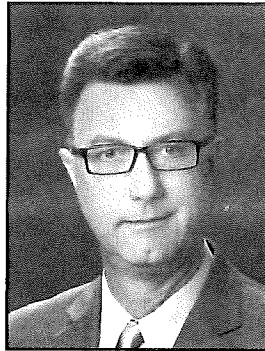
Statutes and the Public Trust: The Court of Appeals Provides Some Clarity to Cloudy Waters	36
<i>by Jan Stevens</i>	

Protecting California's Disadvantaged Communities—An Examination of How the State's New Environmental Justice Laws May Affect the CEQA Entitlement Process

by Martin P. Stratte* and George H. Kenline**



Martin P. Stratte



George H. Kenline

"You cannot 'buy' development; beneficiary communities must own the projects."

— Bernhard Hoepfer

According to the Office of Environmental Health Hazard Assessment's Cal EnviroScreen tool, more than 9 million Californians are exposed to and at risk from high pollution.¹ Many of the Californians impacted by high pollution reside in disadvantaged communities. In an effort to reduce the impacts of pollution on these communities, the state has enacted new "environmental justice" legislation—Senate Bill 1000 ("SB 1000") and Assembly Bill ("AB 617").

Although SB 1000 and AB 617 are separate and distinct legislation, the laws are both intended to protect disadvantaged communities. Accordingly, the laws have the potential to work hand-in-hand in practice and may also have significant implications on the entitlement of development projects in accordance with the California Environmental Quality Act ("CEQA").

This article will examine some of those potential implications and related questions, such as how lead agencies will substantiate the approval of future projects that will cause significant and unavoidable impacts in disadvantaged communities, yet also demonstrate compliance with applicable environmental justice policies and solutions.

For those who have been seeking more impactful environmental justice legislation, SB 1000 and AB 617

appear to fit the bill and seem likely to produce important results in the near future.

I. ENVIRONMENTAL JUSTICE—SOMETHING DIFFERENT THAN CEQA

One of the primary goals of CEQA is to "Develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state."² However, in addition to protecting the *environment*, the legislative findings and declarations of CEQA also expressed a desire to protect the *people* that call California home.

For example, another goal of CEQA is to "Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historical environmental qualities, and freedom from excessive noise."³ Similarly, CEQA was also intended to "Ensure that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian," a goal that "shall be the guiding criterion in public decisions."⁴

Despite a legislative intent to provide every Californian with a "decent home and suitable living environment," a significant number of Californians in disadvantaged communities are impacted by high levels of air pollution. Thus, as CEQA nears its 50th anniversary, some may say that CEQA has failed to protect too many of the state's most at-risk residents.

Enter SB 1000 and AB 617.

Together, SB 1000 and AB 617 signal an intent of the legislature to protect the at-risk communities that were contemplated in the legislative findings of CEQA, but not subsequently afforded the level of protection necessary to prevent "environmental injustice."

II. OVERVIEW OF SB 1000 AND AB 617

Although SB 1000 and AB 617 were signed into law in 2016 and 2017, respectively, both laws set 2018

as the year during which critical mandates would come into effect, as discussed below.

A. Key Terms and Definitions

Both SB 1000 and AB 617 include several of the same key terms, some of which are defined below.

“‘Environmental justice’ means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.”⁵

Both SB 1000 and AB 617 define the term “disadvantaged community” as an area identified by the California Environmental Protection Agency [(“CalEPA”)] pursuant to section 39711 of the Health and Safety Code,⁶ which provides as follows:

- (1) Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation.
- (2) Areas with concentrations of people that are of low income, high unemployment, low levels of homeownership, high rent burden, sensitive populations, or low levels of educational attainment.⁷

CalEPA’s list of disadvantaged communities is available online and was developed pursuant to Senate Bill 535.⁸

SB 1000 adds an additional clause to its definition of the term “disadvantaged community,” to include “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.” A “low-income area” means “an area with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093.”⁹

B. Senate Bill 1000

SB 1000, which was signed into law by Governor Brown on September 24, 2016, amends section 65302 of the Government Code as follows:

This bill would . . . *add to the required elements of the general plan an environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities, as defined,*

within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community.

The bill would also require the environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, *to identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities, as specified, identify objectives and policies to promote civil engagement in the public decisionmaking process, and identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.*

The bill would require the environmental justice element, or the environmental justice goals, policies, and objectives in other elements, *to be adopted or reviewed upon the adoption or next revision of 2 or more elements concurrently on or after January 1, 2018.*¹⁰ (Italics added.)

1. Guidance from the Governor’s Office of Planning and Research

Now that SB 1000 is in effect and codified in section 65302 of the Government Code, cities and counties are in the process of determining how to incorporate the mandates of SB 1000 into their general plans. Because SB 1000 provides cities and counties with the option of either: (1) implementing a new standalone element specifically devoted to environmental justice; or (2) including environmental justice “goals, policies, and objectives” in other elements throughout the general plan, the environmental justice provisions of updated general plans will vary throughout the state.

To assist cities and counties with this process, the Governor’s Office of Planning and Research (“OPR”) included guidance in the 2017 General Plan Guidelines. As discussed therein, cities and counties will need to address certain subjects, which are included in a “Completeness Checklist” listed below:

- Gov. Code § 65302(h)(1) - Identify disadvantaged areas within the area covered by the general plan.
- Gov. Code § 65302(h)(1)(A) - Identify objectives and policies to reduce exposure to pollution—including improving air quality in disadvantaged communities.

- Gov. Code § 65302 (h)(1)(A) - Identify objectives and policies to promote public facilities in disadvantaged communities.
- Gov. Code § 65302(h)(1)(A) - Identify objectives and policies to promote food access in disadvantaged communities.
- Gov. Code § 65302(h)(1)(A) - Identify objectives and policies to promote safe and sanitary homes in disadvantaged communities.
- Gov. Code § 65302(h)(1)(A) - Identify objectives and policies to promote physical activity in disadvantaged communities.
- Gov. Code § 65302(h)(1)(A) - Identify objectives and policies to reduce any unique or compounded health risks in disadvantaged communities not otherwise addressed above.
- Gov. Code § 65302(h)(1)(B) - Identify objectives and policies to promote civil engagement in the public decision making process in disadvantaged communities.
- Gov. Code § 65302(f)(4) - Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.¹¹

Interestingly, the general plans of National City and Jurupa Valley include existing environmental justice elements that predate SB 1000.¹²

In November 2018, OPR released for public comment a draft update to the 2017 General Plan Guidelines. The public comment period closes on December 20, 2018. The update includes the following information:

- A process by which to determine if a local jurisdiction is subject to the new SB 1000 requirements.
- New considerations regarding partnership.
- Additional information about updates when cities and/or counties have some of the policies for SB 1000.
- Example policy language and data sources.
- Updated discussions on thematic areas to include under SB 1000.¹³

As explained below, the information and data developed by the California Air Resources Board ("CARB") pursuant to AB 617 may be of use to cities and counties during their identification of "disadvantaged communities," within their jurisdiction, as required by SB 1000.

C. Assembly Bill 617

AB 617, which was signed into law by Governor Brown on July 26, 2017, amends multiple sections of the Health and Safety Code and adds new sections thereto, to include the following:

This bill would require the state board, by October 1, 2018, to prepare a monitoring plan regarding technologies for monitoring criteria air pollutants and toxic air contaminants and the need for and benefits of additional community air monitoring systems, as defined.

The bill would require the state board to select, based on the monitoring plan, the highest priority locations in the state for the deployment of community air monitoring systems.

The bill would require an air district containing a selected location, by July 1, 2019, to deploy a system in the selected location. *The bill would authorize the air district to require a stationary source that emits air pollutants in, or that materially affect, the selected location to deploy a fence-line monitoring system, as defined, or other specified real-time, on-site monitoring.*

* * *

This bill would require the state board, by October 1, 2018, to prepare and update, at least once every 5 years, a statewide strategy to reduce emissions of toxic air contaminants and criteria pollutants in communities affected by a high cumulative exposure burden. The bill would require the state board to select locations around the state for the preparation of community emissions reduction programs, and to provide grants to community-based organizations for technical assistance and to support community participation in the programs. *The bill would require an air district containing a selected location, within one year of the state board's selection, to adopt a community emissions reduction program.* By increasing the duties of air districts, this bill would impose a state-mandated local program.

* * *

This bill would require a district that is in nonattainment for one or more air pollutants to adopt an expedited schedule for the implementation of best available retrofit control technology, as specified. The bill would require the schedule to apply to each industrial source that, as of January 1, 2017, was subject to a specified

market-based compliance mechanism and give highest priority to those permitted units that have not modified emissions-related permit conditions for the greatest period of time.

This bill would require the state board to establish and maintain a statewide clearinghouse that identifies the best available control technology, best available retrofit control technology for criteria air pollutants, and related technologies for the control of toxic air contaminants.¹⁴ (Italics added.)

In short, AB 617 requires CARB to develop a statewide air quality monitoring plan, identify disadvantaged communities most impacted by air pollution, and later, in conjunction with regional air quality management districts, develop local pollution reduction strategies for and deploy related technology in those communities. Notably, there is no limit on the number of disadvantaged communities that CARB may identify pursuant to AB 617.

On December 13, 2018, CARB adopted the "Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants" (or "CTR Regulation"). The CTR Regulation is the first step towards "establish[ing] a uniform system of annual reporting of criteria pollutant and toxic air contaminants for stationary sources."¹⁵

III. EXAMINING SOME POTENTIAL IMPLICATIONS OF SB 1000 AND AB 617 ON THE CEQA ENTITLEMENT PROCESS

As the 2018 deadlines discussed in SB 1000 and AB 617 come and go, it will be important to watch how these laws may begin to affect the entitlement of projects in accordance with CEQA. Right now, it seems that, in some cities and counties where disadvantaged communities are located, compliance with environmental justice goals and policies will essentially become a new category for which project-related impacts must be analyzed, in addition to the existing 18 categories set forth in Appendix G of the CEQA Guidelines.

A. An Ongoing Focus on Environmental Justice

As previously discussed, SB 1000 requires "the environmental justice element, or the environmental justice goals, policies, and objectives in other elements, to be adopted or reviewed upon the adoption or next revision of 2 or more elements concurrently on or after January 1, 2018."¹⁶ Thus, although the mandates of SB 1000 are presently in effect, the process of developing environmental justice goals, policies, and objectives and the eventual inclusion of that information into general plans has only just begun.

Nevertheless, throughout this calendar year, comment letters submitted in opposition to various projects have frequently cited SB 1000 as an alleged basis for why a project should be denied. Of course, cities and counties cannot yet comply with goals and policies that they have not yet formulated, circulated for public review, and adopted as a component of a general plan update. However, that has not stopped project opponents from making SB 1000 a focal point in comment letters.

An example of this ongoing focus on environmental justice occurred in September 2018, when Restore the Delta released a 216-page report entitled, "Fate of the Delta," in opposition to the California WaterFix project. The goal of the report was "to create a solid base of Delta [environmental justice] research and related tools to empower local social and environmental justice groups to advocate for themselves in our state's water management processes, as well as help document concerns of Northern California Indian Tribes about Delta water mismanagement."¹⁷

As the critical legislative mandates of SB 1000 and AB 617 come into effect, the focus on environmental justice issues during the public comment process is likely to increase.

B. How Will Lead Agencies Substantiate Development in Disadvantaged Communities and Also Demonstrate Compliance with Environmental Justice Policies and Solutions?

During the preparation of an environmental impact report ("EIR"), a lead agency must analyze the environmental impacts that a project will have on the 18 categories of resources set forth in Appendix G of the CEQA Guidelines, such as air quality, water quality, and traffic.

Among these 18 categories is "land use and planning;" lead agencies must ask whether a project will:

Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

In a land use and planning section of an EIR, there is oftentimes a checklist of applicable general plan policies and an analysis of how and why the project is "consistent," or at least "not inconsistent," with them. As previously explained, SB 1000 requires cities and counties to include environmental justice policies and goals in their general plans. Thus, when preparing an EIR, how might lead agencies demonstrate that certain

types of projects are not inconsistent with applicable environmental justice policies and goals?

For example, how will a lead agency conclude that the siting of a controversial industrial project that will cause significant and unavoidable air quality impacts in a "disadvantaged community" is not inconsistent with applicable environmental justice goals and policies? Even if the land is appropriately zoned for such a project, wouldn't the development be inherently inconsistent with the environmental justice goals and policies, which will presumably call for the reduction of air quality impacts? And what if the project is located in a disadvantaged community that has been identified by CARB pursuant to AB 617 as one of those most impacted by air pollution?

"A general plan is the local government's long-term blueprint for the community's vision of future growth"¹⁸ and an "EIR shall discuss any inconsistencies between the proposed project and applicable general plans."¹⁹ Accordingly, the decision makers of cities and counties should expect increased scrutiny of their findings regarding potential inconsistencies between projects proposed for development in disadvantaged communities and applicable environmental justice policies.

To the extent that a city or county were to develop overly general or insignificant environmental justice policies and goals in its next general plan update, as a means to avoid potentially difficult consistency analyses in the future, it should expect to be challenged by public interest watchdog groups, depending on their presence in the jurisdiction.

C. Will the Environmental Justice Policies and Goals Diminish the Use of Statements of Overriding Considerations?

Continuing with the hypothetical siting of an industrial project that will cause significant and unavoidable air quality impacts, in such instances, lead agencies have the ability to adopt a statement of overriding considerations. The adoption of a statement of overriding considerations requires the lead agency to find "that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant impacts on the environment."²⁰

SB 1000 does not impose a direct restriction upon the ability of a lead agency to adopt a statement of overriding considerations. However, when a statement of overriding considerations is contemplated for adoption in conjunction with the approval of a project with significant and unavoidable impacts in a disadvantaged community, it seems possible that SB 1000 may lead to increased scrutiny on the adequacy of the claimed

"economic, legal, social, technological, or other benefits" adopted as justification for approval of the project.

For example, if the project "benefits" will assist the community as a whole—i.e., the city or county, as measured by its political boundaries—but not necessarily the disadvantaged community where the project (and the significant and unavoidable impacts) is located, will the adequacy of the statement of overriding considerations be ripe for a legal challenge? Furthermore, if lead agencies can simply override future significant environmental impacts in disadvantaged communities, will SB 1000 really change anything?

Although lead agencies will retain the ability to adopt statements of overriding considerations, the increased political pressure on local decision makers as a result of SB 1000 will likely cause those decision makers to more carefully consider the ramifications of approving controversial projects in disadvantaged communities. Similarly, information and data collected and disseminated by CARB pursuant to AB 617 is also likely to result in increased pressure on local decision makers during the consideration of projects in disadvantaged communities.

D. Litigating Alleged Violations of Environmental Justice Goals and Policies

In 2007, Governor Schwarzenegger signed into law Senate Bill 97, which required lead agencies to analyze the impacts of greenhouse gas ("GHG") emissions during the CEQA entitlement process.²¹ Since then, the legislature has continued to enact regulations intended to reduce GHG emissions throughout the state. These regulations have produced a growing body of case law examining issues related to the analysis of GHG emissions. Because SB 1000 and AB 617, like Senate Bill 97, have the potential to affect the CEQA entitlement process, the eventual development of a body of case law related to environmental justice is inevitable.

In the years to come, lead agencies are likely going to face CEQA litigation that will include an increasing amount of allegations related to environmental justice. As previously discussed, one of the areas that seems ripe for litigation is the adequacy of lead agencies' findings regarding compliance with environmental justice policies.

In addition, lead agencies may also face the possibility of having to oppose environmental justice litigation brought or supported by California Attorney General Xavier Becerra, who established the Bureau of Environmental Justice in February 2018. In explaining the move, Becerra said:

"Today is a special day. The harsh reality is that some communities in California—particularly low-income communities and communities of color—continue to bear the brunt of pollution from industrial development, poor land use decisions, transportation, and trade corridors. Meeting the needs of these communities requires our focused attention. That's why I'm establishing the Bureau of Environmental Justice[.] To all who advocate for environmental justice, the California Department of Justice will work with you and fight for a clean, safe and healthy environment. We have a moral and legal responsibility to do so."²²

Becerra has since intervened in pending litigation filed by South Central Neighbors United in opposition to a 110-acre industrial project located in "the south Fresno community of Daleville, a neighborhood identified by the [California Environmental Protection Agency] as suffering amongst the highest pollution burdens in California."²³

IV. GETTING A "SOCIAL LICENSE"—MORE IMPORTANT THAN EVER IN CALIFORNIA

Together, SB 1000 and AB 617 seem likely to provide disadvantaged communities with an increased opportunity to participate in local land use planning decisions. Thus, moving forward, it will be important for lead agencies to foster discussions between local stakeholders and developers, so that better projects with better mitigation can be developed. Such discussions will also be necessary for developers to procure a "social license" from local communities.

A "social license" may exist "when a project is consistent with the community's identity, has ongoing approval, and is socially acceptable."²⁴ For the reasons discussed above, and others, SB 1000 and AB 617 have the potential to affect the entitlement of controversial projects with significant and unavoidable impacts in disadvantaged communities. Accordingly, traditional approaches to land use planning and development may no longer be "enough" to obtain a project approval.

Instead, many communities that have dealt with longstanding sources of air pollution, noise, or traffic impacts will have the opportunity to meaningfully influence the size and scope of future projects proposed for development in their neighborhoods. As such, it will be critical for lead agencies and developers to pursue a social license from the residents of disadvantaged communities. Without local support, costly and lengthy legal battles will be inevitable.

V. CONCLUSION

Land use planning is complicated and requires the consideration of multiple factors and opinions, some of which may conflict with one another. There is rarely, if ever, unanimous public consensus about the siting of a certain project at a certain location. Accordingly, there will always be land use disputes.

However, there should be no dispute as to the importance "of a decent home and suitable living environment for every Californian," as contemplated in the 1970 legislative findings and declarations of CEQA.²⁵ Now, nearly 50 years later, SB 1000 and AB 617 may be the legislation that will help the approximately 9 million Californians exposed to pollution²⁶ take a step closer to having such a home.

Looking ahead, expect environmental justice legislation to impact the CEQA entitlement process and to become a critical component thereof.

ENDNOTES

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1. GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, General Plan Guidelines, Chapter 4: Required Elements, available at http://opr.ca.gov/docs/OPR_C4_final.pdf, p. 164; CALIFORNIA OFFICE

OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT, CalEnviroScreen 3.0, available at <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>.

RESTORE THE DELTA (2018), available at <https://www.restorethedelta.org/thefateofthedelta/>.

2. CAL. PUB. RES. CODE § 21001(a)
3. *Id.*, § 21001(b)
4. *Id.*, § 21001(d)
5. CAL. GOV. CODE § 65040.12
6. Senate Bill 1000 (Sept. 24, 2016), available at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB1000.
7. CAL. HEALTH AND SAFETY CODE § 39711; Assembly Bill 617 (Jul. 26, 2017), available at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB617.
8. CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY, Designation of Disadvantaged Communities Pursuant to Senate Bill 535 (De León) (Apr. 2017), available at <https://calepa.ca.gov/wp-content/uploads/sites/6/2017/04/SB-535-Designation-Final.pdf>.
9. Senate Bill 1000, *supra* note 6.
10. *Id.*
11. General Plan Guidelines, *supra* note 1, at p. 169.
12. GEORGETOWN CLIMATE CENTER, Adaptation Clearinghouse, California SB 1000—Land use: general plans: safety and environmental justice (Sept. 24, 2016), available at <https://www.adaptationclearinghouse.org/resources/california-sb-1000-col-and-use-general-plans-safety-and-environmental-justice.html>.
13. GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, Announcement: OPR Invites Input on Updated Environmental Justice Chapter in General Plan Guidelines (Nov. 20, 2018), available at <http://opr.ca.gov/news/2018/11-20.html>.
14. Assembly Bill 617, *supra* note 7.
15. Bulletin, CALIFORNIA AIR RESOURCES BOARD, Public Hearing to Consider the Proposed Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (Oct. 23, 2018), available at <https://content.govdelivery.com/accounts/CARB/bulletins/2162f5b>.
16. Senate Bill 1000, *supra* note 6.
17. Barbara Barrigan-Parilla, et al., *The Fate of the Delta: Impacts of Proposed Water Projects and Plans on Delta Environmental Justice Communities*, RESTORE THE DELTA (2018), available at <https://www.restorethedelta.org/thefateofthedelta/>.
18. GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, General Plan Guidelines (2018), available at <http://opr.ca.gov/planning/general-plan/>.
19. CEQA GUIDELINES § 15125(d)
20. CAL. PUB. RES. CODE § 21081(b)
21. Senate Bill 97 (Aug. 24, 2007), available at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200720080SB97.
22. CALIFORNIA DEPARTMENT OF JUSTICE, Attorney General Becerra Establishes Bureau of Environmental Justice (Feb. 22, 2018), available at <https://oag.ca.gov/news/press-releases/attorney-general-becerra-establishes-bureau-environmental-justice>.
23. *South Central Neighbors United v. City of Fresno*, et al., Case No. 18CECG00690, Memorandum of Points and Authorities in Support of People's Motion for Leave to Intervene at 4, available at <https://assets.documentcloud.org/documents/4521024/Attorney-General-motion-to-intervene.pdf>.
24. SOCIAL LICENSE, What Is the Social License? (2018), available at <https://sociallicense.com/definition.html>.
25. CAL. PUB. RES. CODE § 21001(d)
26. General Plan Guidelines, *supra* note 1; CalEnviroScreen 3.0, *supra* note 1.