

**NORTH COAST REGIONAL WATER QUALITY
CONTROL BOARD
RESOLUTION NO. R1-2023-0001**

CONDEMNING RACISM, XENOPHOBIA, BIGOTRY, AND RACIAL INJUSTICE
AND
STRENGTHENING COMMITMENT TO RACIAL EQUITY, DIVERSITY, INCLUSION,
ACCESS, AND ANTI-RACISM
IN THE
NORTH COAST REGION

WHEREAS:

1. The mission of the State Water Resources Control Board (State Water Board) and the nine Regional Water Quality Control Boards, including the North Coast Region (Regional Water Board), is to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses of water, and to ensure proper water resource allocation and efficient use for the benefit of present and future generations.
2. The Regional Water Board is a member of the Government Alliance on Race and Equity (GARE) and has adopted its definition of racial equity: *racial equity occurs when race can no longer be used to predict life outcomes, and outcomes for all groups are improved.*
3. The Regional Water Board recognizes that it cannot achieve its mission if internal regulations and procedures exist that cause or reinforce racial inequities. As such, the Regional Water Board accepts responsibility for and prioritizes confronting structural and institutional racism and advancing racial equity in the North Coast Region.
4. Because race intersects with many, if not all, other marginalized identities, prioritizing and addressing racial inequities improves outcomes for other marginalized communities (e.g., gender identity, sexual orientation, physical ability, immigration status, age, etc.). Accordingly, the Regional Water Board aims to improve life outcomes for all marginalized communities in the North Coast Region through advancing racial equity.
5. On November 16, 2021, the State Water Board adopted Resolution No. 2021-0050, *Condemning Racism, Xenophobia, Bigotry, and Racial Injustice and Strengthening Commitment to Racial Equity, Diversity, Inclusion, Access, and Anti-Racism* (State Water Board Resolution). The State Water Board Resolution acknowledges the role racism plays in creating inequities in affordability and access to clean and safe water, commits to advancing racial equity within the Water Boards and the communities they serve, directs its staff to develop a racial equity action plan, and encourages the nine Regional Water Quality Control Boards to adopt similar resolutions. This Resolution builds upon the State Water Board Resolution.

Race as a Determinant of Racial and Environmental Inequities

6. Historically, decision-makers representing government agencies used race to establish structures and systems that continue to deliver disparate outcomes, including wealth, health, educational, and environmental inequities.
7. The California Environmental Protection Agency's (CalEPA's) 2021 Pollution and Prejudice Story Map¹ demonstrates that historically redlined neighborhoods are "generally associated with worse environmental conditions and greater population vulnerability to the effects of pollution today." Black, Indigenous, Latinx, Asian, and other people of color are overrepresented in the neighborhoods that are the most environmentally degraded and are still experiencing severe racial wealth gaps caused by redlining² and other land-use practices designed to oppress them. Many of these communities lack access to parks, open spaces, greenways, and green infrastructure, which provide natural flood protection, water treatment, and groundwater recharge and replenishment, as well as opportunities for recreation and increased quality of life and health.
8. The Office of Environmental Health Hazard Assessment's CalEnviroScreen mapping tool³ identifies communities that are disproportionately impacted by a combination of environmental stressors and socioeconomic disadvantages. Based on an assessment of data throughout California, the tool's 2021 update reveals that the top 10% of least-polluted neighborhoods statewide are 67% white, and the top 10% of most-polluted neighborhoods are 90% Black, Indigenous, Latinx, Asian, and other people of color. Contaminated drinking water sources disproportionately burden low-income and Black, Indigenous, Latinx, Asian, and other people of color communities throughout California, further exacerbating persistent inequities, which can be seen in data collected by the Human Right to Water Framework and Data Tool⁴.
9. In 2021, the State Water Board released the 2021 Drinking Water Needs Assessment⁵, which 1) identifies California small water systems and domestic wells that are failing, or at risk of failing, to provide access to safe drinking water; 2) estimates the cost of interim and long-term solutions for these systems; and 3) determines the statewide funding gap and affordability challenges that may be barriers to implementing these solutions. There are approximately 345 systems

¹ CalEPA Pollution and Prejudice Story Map may be accessed using the following link:

<https://storymaps.arcgis.com/stories/f167b251809c43778a2f9f040f43d2f5>.

² *Redlining* refers to a discriminatory practice that consists of the systematic denial of services such as mortgages, insurance loans, and other financial services to residents of certain areas based on their race or ethnicity.

³ The CalEnviroScreen mapping tool may be accessed using the following link:

<https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>.

⁴ The Human Right to Water Framework and Data Tool and report may be accessed using the following link: <https://oehha.ca.gov/water/report/human-right-water-california>.

⁵ The 2021 Drinking Water Needs Assessment may be accessed using the following link:

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/needs/2021_needs_assessment.pdf

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in California that fail to meet the goals of the human right to water. In addition, the needs assessment identified 617 at-risk public water systems statewide, 611 at-risk state small water systems, and 80,000 at-risk domestic wells in California. It also identified 13 federally regulated tribal water systems that failed to meet the goals of the human right to water and 22 at-risk tribal water systems throughout California.

Acknowledging Racism and Racial Inequities

10. Historically, State and Regional Water Board programs were established over a structural framework that perpetuated inequities based on race. These inequities persist, and prior to this Resolution, the Regional Water Board had not explicitly acknowledged the role racism plays in creating inequities in affordability and access to clean and safe water and in the allocation and protection of water resources. Toward reconciliation, the Regional Water Board now acknowledges:
 - a. White supremacy is a systemically and institutionally perpetuated system of exploitation and oppression of nations and people of color by white people for the purpose of maintaining and defending a system of wealth, power, and privilege. Throughout the United States, including the North Coast Region, white supremacy led to the genocide and forced relocation of Native American people to facilitate white resettlement, the enslavement of Native American and Black people, and labor exploitation of Black, Native American, Latinx, Asian and other people of color for white economic gain.
 - b. White supremacy has been served by many other government policies and practices targeting people of color, including, for example, race-focused immigration restrictions, the internment of Japanese Americans at camps such as the Tule Lake Relocation/Segregation Center in Tule Lake, the disproportionate incarceration of people of color, exclusionary housing and labor policies, and lack of investment in Black, Indigenous, Latinx, Asian, and other people of color communities. The impacts of federal, state, and local decision-making and policies made decades ago continue to impose challenges for Black, Indigenous, Latinx, Asian, and other people of color communities, who still grapple with the lasting effects of historical racial inequities stemming from those governmental decisions, policies, and practices.
 - c. In California, race predicts a person's access to governmental services and the quality and affordability of the services they receive. This includes the availability of safe drinking water and the collection, treatment, and reuse of wastewater. In fact, race is the strongest predictor of water and sanitation access⁶.

⁶ *Closing the Water Access Gap in the United States: A National Action Plan:*
http://uswateralliance.org/sites/uswateralliance.org/files/publications/Closing%20the%20Water%20Access%20Gap%20in%20the%20United%20States_DIGITAL.pdf.

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- d. The historical seizures of land from people of color, the systematic exclusion of people of color from certain areas, and the forced relocation to areas with fewer or lower quality natural resources have had, and continue to have, long-standing, oppressive impacts that extend beyond the loss of the land itself. These impacts include, but are not limited to, loss of natural resources of value, lack of access to areas with high quality water resources, and lack of access to affordable and reliable governmental services.

Acknowledging Native American Colonization, Genocide, and Resiliency

11. Native American people have lived on, nurtured, and protected the lands and waters of the North Coast Region for tens of thousands of years. Native American people in the North Coast Region remain caretakers of the land and continue to persevere today despite centuries of colonization, oppression, land seizures, forced relocation, and assimilation. Broken promises and treaties related to federal treaty rights and failure to recognize and protect federal reserved rights have led to the loss of traditional water uses and other associated natural resources of value. The North Coast Region is the ancestral home to approximately 59 California Native American Tribes, which is among the highest density of Native American people in California, and encompasses California's three largest tribes – the Karuk, Yurok, and Hoopa Valley Tribes.
12. Native American people in California have faced colonization and its significant consequences since 1542 when white colonists invaded what is now San Diego. Notably destructive instances of colonization that occurred throughout California and the North Coast Region include, but are not limited to:
 - a. The California Mission System beginning in the late-eighteenth century that established a Native American labor force and caused the enslavement, assault, and murder of hundreds of thousands of Native American people;
 - b. Historic land use activities, bounties placed on Native American individuals by the state and local governments, and other drivers of colonization in the mid-nineteenth century resulting in murder, massacres, genocide, land seizure and forced relocation, broken promises, and environmental impacts that continue to affect their access to beneficial uses today; and
 - c. The forced relocation and assimilation of Native American children by the United States government in the late-nineteenth century that was designed to erase Native American culture and traditions and resulted in the death or disappearance of thousands of children.
13. The Regional Water Board acknowledges the painful history, intergenerational trauma, and Native American people's strength and resilience built by culture, tradition, community, spirituality, collective healing, adaptation, and sovereignty. The Regional Water Board commits to considering this context in our communications and relationships with Native American people and tribes.

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14. The diverse landscape of the North Coast Region, from rainforests in the northwest, volcanic and desert plains in the northeast, and mixed conifer forests, oak woodlands, and savannahs in the south, has supplied and supported Native American people's cultural, spiritual, medicinal, and subsistence traditions for tens of thousands of years. These Native American traditions heavily rely on the availability and health of species such as smelt, salmonids, freshwater mussels, coast redwood, oak, tule and other freshwater plants, and the ecosystems that support them.
15. Centuries of colonization have impacted water resource and watershed management practices that supported Native American people's traditional food sources and sovereignty and ways of life. Many North Coast Region watersheds are now affected by large-scale dams and diversions for municipal, industrial, agricultural, and commercial uses to the detriment of traditional, local, and cultural uses and without compensation, recognition, or replacement.
16. Native American people continue to face barriers to defining, quantifying, accessing, protecting, and controlling their ancestral lands, water rights, instream flows, cultural resources, and beneficial uses. Redistribution of water has reduced or eliminated access to healthy traditional food sources. Disconnection from traditional ancestral land and water and the unavailability of traditional foods have been linked to serious and pervasive health issues. In addition, impaired instream flows, and associated water quality problems, impair or prevent water-related cultural, spiritual, and subsistence practices. These injustices are exacerbated by climate change and complex water resource and watershed management processes that often favor economic interests of privileged communities.

Advancing Racial Equity and Environmental Justice

17. The evidence of past and persisting racism and racial inequity is compelling. On a community scale, race is strongly correlated with more severe pollution burdens. However, until recently, few of the Regional Water Board's policies, programs, or plans expressly considered or addressed racial inequities. As an agency, the Regional Water Board recognizes the need to acknowledge and address racial inequity within itself, the programs it carries out, and the communities it serves.

Racial Equity and Environmental Justice Initiatives at the Water Boards

18. Over the last decade, the State Water Board and nine Regional Water Quality Control Boards (Water Boards), have increasingly emphasized actions to address environmental injustices, including, but not limited to, the following:
 - a. Creating the Safe and Affordable Funding for Equity and Resilience (SAFER) Program, a comprehensive approach to implementing the state's commitment to the Human Right to Water by ensuring the estimated one

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million Californians being served contaminated water have solutions for safe, affordable drinking water;

- b. Improving engagement with California Native American Tribes and recognizing and protecting tribal beneficial uses;
 - c. Developing a comprehensive response to climate change, including addressing disproportionate impacts on vulnerable communities; and
 - d. Administering funding for projects that remediate the harm—or threat of harm—to human health, safety, and the environment caused by existing or threatened surface water and groundwater contamination. Much of this funding is set aside or targeted for projects in disadvantaged and severely disadvantaged communities.
19. Since 2018, the Water Boards have participated in GARE, an international network of governmental organizations working to achieve racial equity and advance opportunities for all. The GARE network utilizes a racial equity model of change comprising iterative stages of normalizing, organizing, and operationalizing.
 20. Since 2018, Water Boards staff have been actively engaged in CalEPA's racial equity team, which is implementing CalEPA's "Plan to Achieve Racial Equity" to 1) improve access to data and information on racial equity; 2) improve communication with communities and partners; 3) improve language access; 4) advance racial equity trainings for the CalEPA workforce; and 5) improve workforce hiring, retention, and promotion practices to advance racial equity within the environmental protection role that each board, department, and office shares with CalEPA.
 21. The Water Boards' workforce does not fully reflect the racial composition of the state. United States Census Bureau data collected via the 2019 American Community Survey show that 37% of California's population is white, yet the Water Boards' workforce census data from 2020 show that 57% of the Water Boards' workforce and 69% of the Water Boards' management is white. Similarly, the 2019 American Community Survey data show that 63% of California's population comprises Black, Indigenous, Latinx, Asian, and other people of color, compared to only 43% of the Water Boards' workforce and 31% of the Water Boards' management. In 2019, the Water Boards released the document, "Immediate Hiring Practices Action Plan for Advancing Workforce Diversity at the Water Boards," which aligns with CalEPA's "Practices to Advance Racial Equity in Workforce Planning." Both documents were developed to articulate the benefits of a diverse workforce and to identify practices to advance racial equity. The Water Boards' plan directs hiring managers and supervisors to take specific short-term actions to improve workforce diversity while a more holistic plan is being developed.

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22. In 2020, the Water Boards established a Racial Equity Working Group, comprised of staff from throughout all Water Boards departments, offices, and boards. The Racial Equity Workgroup was directed to 1) establish a foundation of internal and external engagement that values listening and collaboration to drive action; 2) draft a resolution on racial equity to be considered for adoption by the State Water Board and leveraged by the Regional Water Boards to adopt their own resolutions; and 3) develop a subsequent racial equity action plan to implement the resolution and drive the Water Boards' efforts to institutionalize racial equity. Regional Water Board staff have served as members of the Racial Equity Working Group since it was established and continue to be active participants.
23. The State Water Board Resolution acknowledged the role racism has played in creating inequities in affordability and access to clean and safe water, committed to advancing racial equity within the Water Boards and the communities they serve, directed its staff to develop a racial equity action plan, and encouraged the nine Regional Water Quality Control Boards to adopt the State Water Board Resolution or similar resolutions.

Racial Equity and Environmental Justice Initiatives at the Regional Water Board

24. The Regional Water Board was the first Water Boards agency to adopt Tribal Beneficial Uses into the Water Quality Control Plan for the North Coast Region in 2003. The Tribal Beneficial Uses were developed in response to a request from five of the North Coast Region's tribes – the Tolowa Dee-ni' Nation and Hoopa Valley, Yurok, Karuk, and Wiyot Tribes. The two Tribal Beneficial Uses – Native American Cultural (CUL)⁷ and Subsistence Fishing (FISH)⁸ – are intended to help protect activities specific to Native American cultures and their uses of North Coast Regions waters, including the consumption of commercial and non-commercial fish or shellfish. These Tribal Beneficial Uses are designated in the Smith River, Klamath River and several tributaries, Trinity River, Redwood Creek, Trinidad Bay, Big Lagoon, Little River, Mad River, Eureka Plain, Eel River, and Cape Mendocino. The Regional Water Board recognizes the need to evaluate designation of Tribal Beneficial Uses in more North Coast Region watersheds and commits to determining how to protect them more effectively.
25. In 2020, in response to social unrest and the historic and ongoing oppression of Native American people, Regional Water Board staff created a voluntary, staff-led "Racial Equity Self Education Series." The Racial Equity Self Education Series was developed to engage Regional Water Board staff in recognizing and combatting white supremacy and racism through interacting with various forms of media, such as books, podcasts, and film documentaries, and subsequently

⁷ Uses of water that support the cultural and/or traditional rights of indigenous people such as subsistence fishing, basket weaving and jewelry material collection, navigation to traditional ceremonial locations, and ceremonial uses.

⁸ Uses of water that support subsistence fishing.

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engaging in discussions. The goals of the Racial Equity Self Education Series were to 1) provide opportunity for staff to engage in and normalize conversations about racism and white supremacy; 2) promote self-reflection, growth, and anti-racist⁹ behavior; and 3) provide a platform for staff to exchange ideas on actions that the Regional Water Board and its staff can take to improve racial equity in the workplace and within the communities they serve. The participants of the Racial Equity Self Education Series later formed the Racial Equity Workgroup, which is comprised of staff dedicated to the development of this Resolution and future actions to advance racial equity in the North Coast Region.

26. The Regional Water Board identified in its Fiscal Year 2022-2023 Work Plan that its staff would develop a region-specific racial equity resolution for Regional Water Board consideration to address North Coast Region-specific inequities. Leveraging the State Water Board Resolution, Regional Water Board staff began developing this Resolution and parallel initiatives to address racial inequities in early 2022.
27. The Regional Water Board recognizes the need to further address racial inequity and environmental injustice. Through this Resolution and future actions, the Regional Water Board and its staff commit to better representing and serving North Coast Region communities by 1) addressing the connection between protecting and managing water resources and systemic and institutional racism and 2) fostering greater workforce diversity, equity, and inclusion within the agency.

THEREFORE, BE IT RESOLVED THAT:

The North Coast Regional Water Quality Control Board:

1. Condemns acts of racism, xenophobia, bigotry, white supremacy, and institutional and systemic racism; adopts racial equity, diversity, and inclusion as core values; and acknowledges the role of government agencies—including the Regional Water Board—in redressing racial inequities and dismantling institutional and systemic racism.
2. Commits to making racial equity, diversity, inclusion, and environmental justice central to our work as we implement our mission so that the access to the beneficial uses of water that the Regional Water Board protects, and outcomes we influence, are not determined by a person's race and the benefits are shared equitably by all people.
3. Commits to ensuring our work and decision-making address the disproportionate impacts on Black, Indigenous, Latinx, Asian, and other people of color represented in the most vulnerable communities and in unsheltered populations, while ensuring

⁹ "Anti-racist" refers to a person or organization that actively identifies and opposes racism. The goal of anti-racist behavior and actions are to actively change policies, behaviors, and beliefs that perpetuate racist ideas and actions.

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the full benefits of the Regional Water Board’s programs for all people.

4. Reaffirms our commitment to upholding California’s human right to water law, upholding the State Water Board’s human right to water resolution, and demonstrating that every human being in California—including people from Black, Indigenous, Latinx, Asian, and other people of color communities—deserves safe, clean, affordable, and accessible water adequate for human consumption, cooking, sanitation, and recreation purposes.
5. Reaffirms our commitment to the protection of public health and beneficial uses of water in all communities, including Black, Indigenous, Latinx, Asian, and other people of color communities disproportionately burdened by environmental pollution through actions including, but not limited to:
 - a. Cleanup of contaminated soil, soil vapor, and groundwater;
 - b. Control of wastes discharged to land and surface water;
 - c. Restoration of impaired surface waters and degraded aquifers; and
 - d. Promotion of multi-benefit water quality projects to increase access to parks, open spaces, greenways, and other green infrastructure.
6. Reaffirms our commitment to consultation with California Native American Tribes on projects within the North Coast Region that may affect their regional or ancestral lands and consistent with the principles described in the 2020 *California Environmental Protection Agency’s Tribal Consultation Protocol*¹⁰ and the 2019 California Water Boards’ *Tribal Consultation Policy*¹¹.
7. Commits to implementation of those components of the State Water Board’s Resolution No. 2017-0012, *Comprehensive Response to Climate Change*, that involves the Regional Water Board and to develop a Climate Change Adaptation and Resilience Strategy for the North Coast Region to address, in part, the disproportionate effects of extreme hydrologic conditions and sea-level rise on Black, Indigenous, Latinx, Asian, and other people of color communities, prioritizing:
 - a. The right to safe, clean, affordable, and accessible drinking water and sanitation;
 - b. Sustainable management and protection of local surface water and

¹⁰ The 2020 California Environmental Protection Agency Tribal Consultation Protocol may be accessed at the following webpage: https://calepa.ca.gov/wp-content/uploads/sites/6/2020/03/CalEPA-Tribal-Consult-Protocol_200220_Final_a.pdf.

¹¹ The 2019 California Water Boards’ Tribal Consultation Policy may be accessed at the following webpage: https://www.waterboards.ca.gov/about_us/public_participation/tribal_affairs/docs/california_water_board_tribal_consultation_policy.pdf.

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groundwater resources; and

- c. Access to surface waters that support subsistence fishing and other Tribal Beneficial Uses.
8. Reaffirms our commitment to improving communication, working relationships, and co-management practices with California Native American Tribes in the North Coast Region, including seeking input and consultation on the Water Boards' rules, regulations, plans, policies, and programs to advance decisions and policies that better protect California's water resources. The Regional Water Board recognizes and values tribes' traditional ecological knowledge and historic experience with managing California's water resources for tens of thousands of years.
 9. Directs staff to continue to normalize conversations about racial equity and foster a workforce that competently integrates racial equity into the Regional Water Board's work by, at a minimum:
 - a. Supporting the Water Boards Training Academy in developing and implementing internal training curricula for racial equity, diversity, inclusion, and environmental justice;
 - b. Educating staff about Equal Employment Opportunity (EEO) laws and the Water Boards' EEO Office's process for preventing and responding to complaints of discrimination, harassment, bullying, or retaliation; and
 - c. Partnering with other organizations to expand opportunities for community capacity building.
 10. Directs staff to develop effective strategies to, at a minimum:
 - a. Connect and meaningfully engage with Black, Indigenous, Latinx, Asian, and other people of color communities and California Native American Tribes within the North Coast Region;
 - b. Involve and partner with North Coast Region California Native American Tribes and Black, Indigenous, Latinx, Asian, and other people of color communities in our decision-making processes;
 - c. Provide accessible, open, and transparent opportunities for people to participate in our public meetings, hearings, and workshops;
 - d. Meet people in their communities and spaces to seek out their perspectives;
 - e. Support community led efforts to build capacity to advance racial equity and environmental justice;
 - f. Improve our communications by providing plain-language materials; and
 - g. Address barriers to public participation, including language, digital, location, and time-of-day access.

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11. Directs staff to develop and implement a Racial Equity Action Plan for the North Coast Region (Action Plan) that complements the Action Plan for the State Water Board and articulates a vision for racial equity and outlines specific actions to address Regional Water Board systems that perpetuate racial inequities while establishing new, equitable, and resilient systems.
 - a. The Action Plan shall engage all Regional Water Board divisions and programs. It shall address all aspects of our work, including, but not limited to, plans, policies, permits, enforcement, compliance assurance, contracting, funding, procurement, site remediation, and monitoring.
 - b. The Action Plan shall include goals, objectives, actions, timelines, and metrics.
 - c. Staff shall advance transparency, accountability, and continuous improvement in our racial equity work by establishing metrics and using quantitative and qualitative data collection methods to measure and evaluate the Regional Water Board's progress toward:
 - i. Implementing those metrics;
 - ii. Bringing equity to our systems, practices, and policies; and
 - iii. Diversifying the Regional Water Board's workforce.
 - d. Staff shall consult with California Native American Tribes consistent with the principles described in the 2020 *California Environmental Protection Agency's Tribal Consultation Protocol* and 2019 *California Water Boards' Tribal Consultation Policy* to inform the development of the Action Plan.
 - e. Staff shall seek out and consider input from Black, Indigenous, Latinx, Asian, and other people of color communities, as well as other underrepresented members of the North Coast Region public, to inform development of the Action Plan.
 - f. Staff shall develop a framework to:
 - i. Analyze the impact of Regional Water Board decisions and staff recommendations to the Regional Water Board through a racial equity lens;
 - ii. Ask impacted Black, Indigenous, Latinx, Asian, and people of color communities how the actions we are considering may affect them, consistent with Resolve 11.e. above;
 - iii. Address racist, xenophobic, and bigoted behaviors that interfere with an anti-racist work environment within the Regional Water Board or are inconsistent with this resolution; and

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- iv. Establish recommendations to modify our community engagement and decision-making processes, where necessary.

- g. Consistent with the Water Boards' *Immediate Hiring Practices Action Plan for Advancing Workforce Diversity at the Water Boards*, staff shall coordinate with State Water Board staff to develop a framework to evaluate and update existing internal procedures and expectations to ensure a racially equitable and diverse workforce. The framework shall address recruitment, hiring, retention, promotion, succession planning, mentorship, science, technology, engineering, and mathematics outreach to schools, and leadership development.

- h. Staff shall provide periodic updates on Action Plan development.

- i. Staff shall present the Action Plan to the Regional Water Board no later than one year after adopting this Resolution and report on implementation progress periodically thereafter.

Certification:

I, Matthias St. John, Executive Officer do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, North Coast Region, on February X, 2023.

Matthias St. John
Executive Officer