



San Francisco
ESTUARY
PARTNERSHIP
 sfestuary.org

MEMO

DATE: May 17, 2023

TO: Implementation Committee

FROM: James Muller, Principal Program Manager

RE: Bipartisan Infrastructure Law (BIL) Equity Strategy

In November 2021, Congress passed the Bipartisan Infrastructure Law (BIL) to invest in the nation's infrastructure and resilience. The BIL specifically identifies the National Estuary Programs (NEPs) as key partners for implementation and provides an additional \$26.4 million to the NEPs annually beginning in fiscal year 2022 through fiscal year 2026. This amounts to \$4.55 million of funding installments over next the five years (\$909,800 annually) through US EPA for the San Francisco Estuary Partnership. The BIL funding is awarded and tracked separately from the annual NEP appropriation.

The US EPA requires that all NEPs submit an Equity Strategy by June 1, 2023 that defines how it will meet the Federal Justice40 Initiative requirements that the BIL funds are subject to, primarily that 40% of the overall benefits of Federal investments flow to disadvantaged communities. Approval of the Equity Strategy by EPA is necessary for BIL funding to not require any matching funds.

The EPA has provided a great deal of leniency in how each program will achieve its equity goals and requires each NEP to:

- Provide a numeric target for the percentage of benefits flowing to Disadvantaged and Underrepresented Communities
- Define Disadvantaged and Underrepresented Communities
- Outline key activities that the NEP will undertake to advance equity and meet its numeric target

Estuary Partnership staff reviewed all EPA guidance documents, several other NEP equity strategies, the Restoration Authority's equity approach, and the San Francisco Bay Water Quality Improvement Fund Program Equity Strategy and has also integrated findings from the Disadvantaged Community and Tribal Involvement Program Regional Needs Assessment to inform the development of the required Equity Strategy.

After the strategy is approved by EPA, we will form and convene an Estuary Partnership Equity Team that will consist of staff members working on various projects and programs and will intersect with ABAG/MTC's Access(ibility), Culture, Racial, Equity (ACRE) Office which works to support and align equity outcome work agency wide. The Equity Team will review the Equity Strategy and provide recommendations for improvements before drafting an Equity Implementation Plan that will define SFEP's equity work funded by BIL.

Below is a brief description of the major elements of the Estuary Partnership's BIL Program Equity Strategy.

SFEP's Numeric Equity Target: 50%

Disadvantaged and Underrepresented Communities Definition:

- **Quantitative Elements**
 - *12 County Area Median Income* – census tracts and census blocks that have an average household income less than 80% of the 12 county area median income will be included.
 - *Climate and Economic Justice Screening* – developed by the Council on Environmental Quality and includes recommendations from the White House Environmental Justice Advisory Council.
 - *EPA's EJScreen* – developed by the EPA, this tool uses demographic and environmental data together to define the propensity for environmental risk due to environmental hazards. It includes EJ indexes from US Census Bureau American Community Survey.
 - *CalEnviroScreen 4.0* – Is an environmental health screening tool released in 2021 by the California Office of Environmental Health Hazard Assessment on behalf of CalEPA that is used to identify communities disproportionately burdened by multiple sources of pollution. It uses 21 indicators covering pollution sources and drivers of vulnerability with California at the census tract level to document cumulative burdens.
- **Qualitative Elements**
 - Tribes – The Estuary Partnership will include benefits flowing to a Tribe or Tribal Organization within the planning area. Projects implemented on ancestral lands will not be considered as benefiting Tribes unless they own the land or are leading the initiative.
 - People Experiencing Homelessness – The implementation of Task 14-5 and any projects or programs that advance equity for people experiencing homelessness will be included.

Key Activities to Advance Equity:

Activity 1: Define SFEP's approach to advancing equity by creating an Equity Implementation Plan. Train staff and identify internal structural changes needed to advance equity throughout all of the Estuary Partnership's work.

Activity 2: Implement Estuary Blueprint equity tasks

Activity 3: Advance resilience and adaptation planning in areas that provide benefits to disadvantaged and underrepresented communities

Activity 4: Implement staff recommendations to advance equity