



650 CAPITOL MALL, FIFTH FLOOR
SACRAMENTO, CALIFORNIA 95814
WWW.DELTACOUNCIL.CA.GOV
(916) 445-5511

DELTA STEWARDSHIP COUNCIL

Delta Stewardship Council Workgroup Summary: Governance and Implementation Workgroup Tuesday, August 3, 2010, 1:00 p.m. to 4:00 p.m. Delta Room, 650 Capitol Mall, Sacramento, CA

This document summarizes input provided by participants during the August 3 meeting of the Governance and Implementation Workgroup. The summary is intended to quickly inform council members about (1) who participated, (2) points raised by participants in response to the meeting charge questions, and (3) preliminary themes or topics of emphasis identified by staff. It is intended to supplement other forms of direct input to the council, including written submissions and comment at council meetings. This summary is not intended to serve as a meeting transcript; in some cases the order of comments has been modified for efficiency and organization while preserving meaning. It will be made available to the public as well as the council.

Attendees:

Susanna Schlendorf	Assemblymember Joan Buchanan
Melinda Terry	California Central Valley Flood Control Association <i>and</i> North Delta Water Agency
Erin Chappell	California Department of Water Resources
Justin Frederickson	California Farm Bureau Federation
Jeanne Brantigan	CH2M HILL
John Kirlin	CH2M HILL consultant
Dan Geis	Coalition for a Sustainable Delta
Maureen Martin	Contra Costa Water District
Keith Coolidge	Delta Stewardship Council
Terry Macaulay	Delta Stewardship Council
Brian Campbell	East Bay Municipal Utility District
Spreck Rosekrans	Environmental Defense Fund
Henry Sandigo	Granite Bay Flycasters
Mike Harty	Kearns & West (Facilitator)
Pam Jones	Kearns & West
Janet Thomson	Kearns & West
Taylor Blackburn	Ogilvy Public Relations
Veronica Rodriguez	Ogilvy Public Relations
Don Thomas	Sacramento County Department of Water Resources
Charlotte Mitchell	Sacramento County Farm Bureau
Connie Ford	Sacramento County Water Agency
Linda Dorn	Sacramento Regional County Sanitation District

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

– State Water Code §85054

Joe LaClair	San Francisco Bay Conservation and Development Commission
Nicky Suard	Snug Harbor
Kathy Barnes-Jones	Solano County
Craig Muehlberg	U.S. Bureau of Reclamation
Rob Wainwright	Wainwright Consulting
Maria Wong	Yolo Habitat Joint Powers Authority

I. Meeting Purpose and Participation

The council authorized creation of four workgroups open to the public to assist the council in developing the Interim Plan and Delta Plan. The four workgroups are:

- Risk Reduction and Coequal Goals
- Governance and Implementation
- Reduced Reliance on the Delta
- Outreach

As currently envisioned, the charge for each workgroup meeting will focus on a set of questions approved by council staff that link to issues on which the council seeks input.

The initial meeting of the Governance and Implementation Workgroup was held August 3, 2010. The charge for this workgroup meeting was posted on the council website in advance of the meeting. The charge and agenda for the meeting are attached as Appendix A. A Powerpoint presentation given at the workgroup meeting providing an overview of the workgroup purpose, format, and charge is attached as Appendix B. This presentation will be posted on the council website. The entire meeting was videotaped and will be posted on the council website.

Approximately 15-20 members of the public participated in the workgroup meeting. Names appearing on the sign-in sheet are included at the top of this summary.

II. Workgroup Feedback on Governance and Implementation

The meeting focused on input to inform the development of a governance structure to support the Delta Plan. The workgroup was asked to provide input on three questions regarding council assistance to other agencies for implementation, anticipated implementation issues, and relationships of relevant plans to the council's responsibilities. In some cases, participants responded to these questions; in others, participants offered their own questions for consideration by the council. Both responses and questions are summarized here. In addition, council staff has identified preliminary themes and points of emphasis in each category based on public input at the meeting.

1. *Question 1: What can the council do to assist other agencies – state, local, and federal – to implement SBX 7 1? Are there early actions the council should consider to promote implementation?*
 - The council has already begun to reach out to the five Delta counties. It would be useful for the council to visit affected cities and counties and the development community regularly to provide regular updates and information about how these entities would be affected by the statute. Specifically, it would be useful to provide information about what role the council

has regarding subdivisions and other developments, including clarification of the council's geographic authority.

- Public outreach should tailor messages and materials to the specific needs of various groups and individuals (such as landowners, planners, business owners, etc.). A one-size fits all approach is not likely to be successful.
- Outreach should clarify the role of the council during the time period between adoption of the Interim Plan and adoption of the Delta Plan, and specifically the council's involvement with environmental review of planned developments during that timeframe.
- The recent general plan updates prepared by Delta counties should be respected and recognized by the council.
- The council will need to coordinate closely with local governments and planning processes to promote mutual understanding of how the council's authorities will be interpreted and implemented, especially for cases in which there may be overlapping jurisdiction.
- It would be useful for the council to publish a prioritized list of early actions, projects, and programs that the council supports, with a special emphasis on the coequal goals.
- The council should identify its role in reducing stressors in the Delta with respect to the implementation of existing authorities (for example, regulation of water quality in the Delta).
- The council should demonstrate that it is listening to input from local agencies and others, for example by publicly and clearly documenting responses to submitted comments from the workgroups as well as the Interim Plan and Delta Plan.
- It would be useful to have a basic information sheet that interprets the legislation, specifically as it applies to the implementation requirements for state and local government agencies.
- Local agencies would find it useful to have model documents or templates available (e.g., a sample consistency determination) and reliable information about projects and plans required under the legislation.
- The council should identify and prioritize those processes, or categories of processes, that rely upon federal or state grants that have spending deadlines and ensure that agencies do not lose available funding because of council requirements or processes.
- It would be useful to have a specific, recurring item on council meeting agendas for local agencies to provide updates about their plans and projects.
- The council should provide a list of all actions recommended as well as those that are selected.
- A monthly press release with council updates, distributed to areas outside Sacramento, would be very useful.

2. *Question 2: What implementation issues are likely to arise, and how can these be addressed as agencies respond to SBX 7 1 and the council undertakes its responsibilities? Examples of implementation issues already raised include, but are not limited to, the following:*

- *Suisun Marsh, where there is a geographic overlap with BCDC;*
- *County land use plans;*
- *Habitat Conservation Plans;*
- *Levees, in light of the FloodSAFE program administered by DWR and the CVFPP process and timeline;*
- *As a responsible agency for the BDCP EIR. One possible implementation issue may be the future availability of lands for mitigation in the Delta.*

- We need to address funding and financing for the projects and plans required under this legislation. Funding will need to cover not just initial construction and actions but permanent funding sources so that projects can be completed and maintained, and any future impacts can be addressed.
 - The council should more clearly define “covered actions” and clarify how they will affect local land use permitting processes.
 - The council should clarify how overarching, long-term plans such as the State’s climate change adaptation strategies fit within the council’s activities and identify opportunities to combine efforts to improve efficiency.
 - The council should recognize that the local Habitat Conservation Plans (HCPs) are the result of a high degree of collaboration and should attempt to work in concert with the HCPs. The Bay Delta Conservation Plan (BDCP) has a special relationship with the council process that other HCPs do not based on the legislation; the council should consider elevating the status of the other five Delta HCPs and will benefit from understanding their relationship(s) with the BDCP.
 - The Interim Plan should use the revised Delta Risk Management Strategy (DRMS) report that includes corrected information regarding levees, if it has been completed.
 - The council should identify the criteria it will use to develop its recommendations for early actions, projects, and programs as set forth in the draft Interim Plan. There should be a process with public input to develop the criteria. Having a “black box” selection process without clear criteria and evaluations will not promote acceptance of the Delta Plan.
 - Water quality, land use, and levee protection are the three key implementation issues for the Delta.
 - The council should clearly describe how its authority interfaces with the BDCP.
 - It would be useful to bundle similar processes, such as approvals that must go through the Wildlife Conservation Board (WCB) and the council.
 - The council should coordinate with the CVFPP process regarding levees.
 - One implementation issue may be the lack of land available for mitigation in the Delta because so many projects require mitigation land.
 - The council should consider playing a role in coordinating and enhancing water transfers.
 - During implementation of the Delta Plan—after its adoption—it would be useful to have ongoing working groups to address issues in between council meetings. These could either be standing committees or *ad hoc* workgroups that are based on needs identified by the council.
3. *Question 3: What steps should the council take to best identify relevant plans and to address their relationship(s) to the responsibilities of the council?*
- The council should be the lead on identifying and tracking relevant plans but the council may be able to start from an existing list (e.g., from the Delta Protection Commission and other sources) and have other agencies build on the list.
 - It would be helpful to develop relationships between local agencies and the council and council staff so that information can flow in both directions.
 - The council should consider whether to organize relevant plans according to chronology, geographic area of impact, or by issue.
 - The council could organize plans according to types (for example, ecosystem plans, levee plans, land use plans, water plans or projects, transportation plans, navigation/infrastructure

plans, regulatory programs, and long-term plans). Some of these plans may require specific expertise to ensure that the most relevant information can be captured.

III. Themes and Points of Emphasis at this Meeting:

- ✓ *It would be a mistake to assume that there is a high level of awareness about the legislation and its practical implications for state and local government, as well as the private sector.*
- ✓ *The council should serve as a reliable source of information about the legislation and its requirements for agencies and other entities. The council should actively conduct outreach and education to affected agencies and entities. The council plays a key role in coordinating all the plans and processes ongoing in the Delta.*
- ✓ *The council should take an integrative and respectful approach to existing or advanced, broad-scale plans and programs (such as HCPs and general plans) that have been collaboratively developed.*
- ✓ *Transparency will be fundamental to the success of the council. The council should demonstrate transparency by publicizing comments received; describing actions taken based on comments; listing possible early actions, projects, and programs; identifying evaluation criteria for developing recommendations on early actions, projects, and programs; and showing how evaluation criteria have been applied.*
- ✓ *The council should seek ways to improve efficiency in planning and permitting in cases where jurisdictions overlap or multiple permits are required.*
- ✓ *Regular communication between the council and its staff and local agencies and entities will be critical to the success of the Delta Plan.*

IV. Next Steps

Information about future workgroup meetings, meeting materials and this meeting summary will be available on the council website: www.deltacouncil.ca.gov. You may also contact the council via email: Eric.Alvarez@deltacouncil.ca.gov or call (916) 445-5383.



DELTA STEWARDSHIP COUNCIL

650 CAPITOL MALL, FIFTH FLOOR
SACRAMENTO, CALIFORNIA 95814
WWW.DELTACOUNCIL.CA.GOV
(916) 445-5511

July 28, 2010

-- MEETING AGENDA --
Meeting of the GOVERNANCE AND IMPLEMENTATION WORKGROUP
Tuesday, August 3, 2010
Delta Room
650 Capitol Mall, Fifth Floor
Sacramento, CA 95814

THE AGENDA ITEMS LISTED BELOW MAY BE CONSIDERED IN A DIFFERENT ORDER.

Attendees must pass through federal security. Please be prepared to show photo ID. Cameras, including cell phones or laptop computers with cameras, are not allowed in the building.

-
- 1 p.m.**
- 1. Welcome and Greetings, Agenda Review**
 - 2. Review Purpose, Charge, and Format for Meeting**
 - 3. Review Meeting Charge Questions and Background**
 - 4. Gather Input for Council**
 - 5. Discuss Next Steps for Workgroup**
 - August Council Meeting**
 - Future Workgroup meetings**
 - 6. Evaluate Workgroup Meeting**
 - 7. Action Item Review, Meeting Recap**

4:00 p.m. Adjourn

-
- Additional information can be found on the Delta Stewardship Council's website at <http://www.deltacouncil.ca.gov>
 - If you have questions or need reasonable accommodation due to a disability, please contact Debbie Minnifield, Delta Stewardship Council (916) 445-5511, or TDD (800) 735-2929.

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

– State Water Code §85054



650 CAPITOL MALL, FIFTH FLOOR
SACRAMENTO, CALIFORNIA 95814
WWW.DELTACOUNCIL.CA.GOV
(916) 445-5511

DELTA STEWARDSHIP COUNCIL

Delta Stewardship Council Workgroup Announcement: Governance and Implementation Workgroup

The Delta Stewardship Council invites the public to participate in the first of a series of workgroup meetings on the topic of **Governance and Implementation** in support of the development of the Interim Plan and the Delta Plan.

Date/Time: Tuesday, August 3, 2010 1:00 p.m. to 4:00 p.m.

Location: Delta Stewardship Council 650 Capitol Mall, 5th Floor, Delta Room, Sacramento, CA 95814
(Attendees must pass through federal security. Please be prepared to show photo ID. Cameras, including cell phones or laptop computers with cameras, are not allowed in the building.)

Call-In: (916) 574-1398

Charge: The Governance and Implementation Workgroup will generate input for the Interim Plan and Delta Plan that will support state policy and Delta Plan objectives. At this session workgroup participants will be asked to respond to and discuss the following questions:

1. *What can the Council do to assist other agencies – state, local and federal — to implement SBX 7 1? Are there early actions the Council should consider to promote implementation?*
2. *What implementation issues are likely to arise, and how can these be addressed as agencies respond to SBX 7 1 and the Council undertakes its responsibilities? Examples of implementation issues already raised include, but are not limited to, the following:*
 - a. *Suisun Marsh, where there is a geographic overlap with BCDC*
 - b. *County land use plans*
 - c. *Habitat Conservation Plans*
 - d. *Levees, in light of the FloodSafe program administered by DWR and the CVFPP process and timeline*
 - e. *As a responsible agency for the BDCP EIR. One possible implementation issue may be the future availability of lands for mitigation in the Delta?*
3. *What steps should the Council take to best identify relevant plans and to address their relationship(s) to the responsibilities of the Council?*

Written responses to any of these questions identified in the charge for the August 3 meeting of the Governance Workgroup are welcome and will be incorporated into planning for the August 26-27 Council meeting as follows:

- Written responses will be accepted by Council Staff at the Workgroup meeting on August 3

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

– State Water Code §85054

- Written responses received by Council Staff not later than August 16 at 8 p.m. will be provided to Council members as part of their briefing materials for the August Council meeting
- Written responses received after August 16 will be provided to Council members at the August Council meeting

Written responses may be submitted via email to the following address: interimplan@deltacouncil.ca.gov. All written responses will be posted in electronic format on the Council web page.

Background:

Water Code Section 85001 states in part the Legislature’s intent to “establish a governance structure that will direct efforts across state agencies to develop a legally enforceable Delta Plan.”

Water Code Section 85020(h) identifies the following objective that is inherent in the coequal goals that must be achieved through a Delta Plan: “(h) Establish a new governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve [other] objectives.”

The Second Draft Interim Plan, dated July 14, 2010, provides this context:

Senate Bill X 7 1 provides important new tools to address the widely accepted inadequacies of prior governance of the Delta. The reforms launched in the Act are substantial and offer promise of more effective action. They are initiated at time when many agree action is needed, but important stakeholders disagree on the meaning of the enacted legislation. Concurrently, the state’s fiscal future looks bleak for many years, which means that financing aspects of the legislation will be uncertain. Lack of a stable financing structure may lead to difficulty in achieving the coequal goals. [Page 7]

Successful implementation of new legislation as substantial as SBX 7 1 requires not only launching new entities and activities but also adjusting the roles and activities of existing agencies operating under different authorities, with separate legislative mandates, funding streams, and constituencies. All affected state and local agencies have responsibility now to undertake activities in conformity with the Act.

In addition to providing a framework for the Council’s actions, this Interim Plan informs the actions of agencies as they incorporate provisions of SBX7 1 into their activities until the Delta Plan is adopted. Council work on “early actions” will appropriately continue under the framework of the Interim Plan and on the schedule established in the Council’s work plan. The Council intends to give highest priority to issues that require action regardless of whether, or on what schedule, action occurs on major ecosystem restoration or improvements in conveyance, or decisions are made on new bonds. [Page 12][emphasis in original]

Senate Bill X 7 1 requires (a) development of plans (e.g., a Delta Plan, an economic sustainability plan for the Delta by the DPC), and (b) consistency of state actions with the Delta Plan (e.g., Water Code sections 85001(c), 85204, 85302(h)). It also invites the Council to consider incorporating specific plans (e.g., Bay Delta Conservation Plan) or “any” plan into the Delta Plan that promotes the coequal goals (Water Code section 85350).

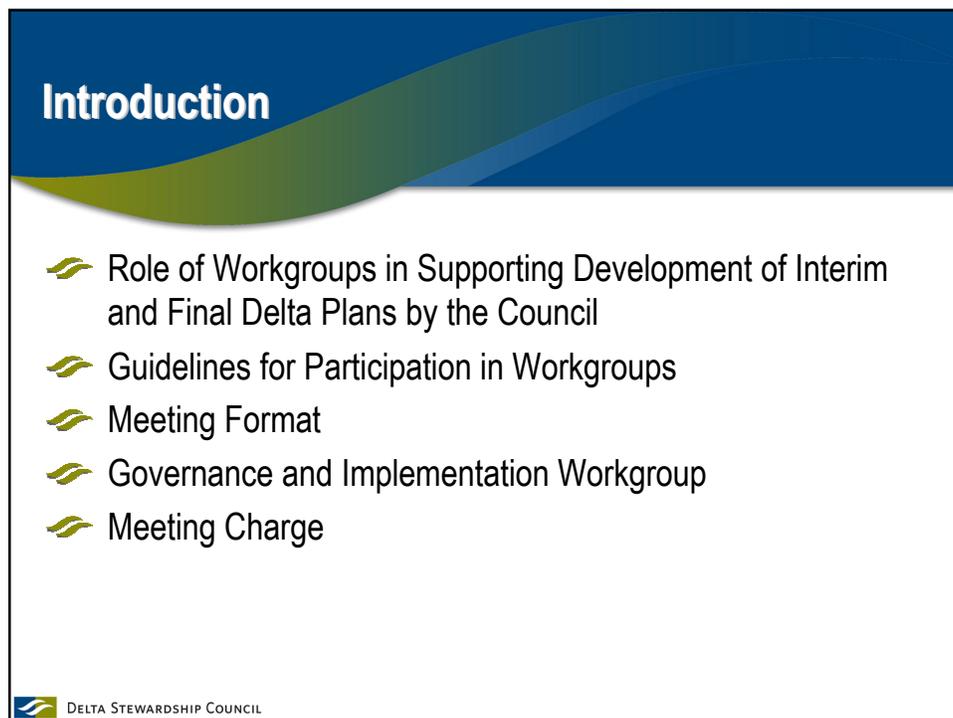
Materials: The following materials provide important background:

- Delta Stewardship Council. *Second Draft Interim Plan*.

- Delta Protection Commission. *Land Use and Resource Management Plan for the Primary Zone of the Delta*. 2010
[http://www.delta.ca.gov/Land%20Use%20and%20Resource%20Management%20Plan%20for%20the%20Pri
m.htm](http://www.delta.ca.gov/Land%20Use%20and%20Resource%20Management%20Plan%20for%20the%20Pri
m.htm)
- April Manatt. *Context Memorandum: Historic and Current Governance in the Delta Region: Water Quality, Environment and Species Protection and Land Use Controls*.
http://www.deltavision.ca.gov/Context_Memos/DeltaGovernance/DeltaGovernance_Iteration1.pdf
- Elizabeth Patterson. *Context Memorandum: Land Use in the Delta-Suisun Region*
http://www.deltavision.ca.gov/Context_Memos/Land_Use/Land-Use-Iteration2.pdf

The workgroup will be supported by a professional facilitator, relevant technical staff, and a representative of the Council Staff. For more information, please visit <http://www.deltacouncil.ca.gov>

Appendix B: Workgroup Presentation



Key Dates for Interim Plan and Delta Plan

- Final Interim Plan: August 27, 2010
- Draft Delta Plan and Project Description: November 2010
- Public Draft EIR: June 2011
- Final Delta Plan, EIR and NOD: December 2011
- Adopt Delta Plan and EIR by January 2012

Workgroups Approved by the Council

- Public Outreach*: Provide viewpoints on effective and preferred methods that the Council can use to communicate with and inform the public.
- Risk Reduction and Coequal Goals*: Address issues related to Water Code Sections 85020 (a)(manage environmental and water resources over the long term) and (g)(reduce risks). This workgroup may consider early action prioritization.

Workgroups Approved by the Council

- 👉 *Governance and Plan Implementation*: Address issues related to Water Code Sections 85020 (b)(Delta's unique values) and (h)(new governance).
- 👉 *Reduced Reliance on the Delta*: Identify issues, develop strategies, and frame viewpoints related to Water Code Section 85021.

Workgroup Format

- 👉 Focus on Meeting Charge to support Interim Delta Plan and Delta Plan development by Council
- 👉 Workgroups are not tasked with seeking consensus on input
- 👉 Identify key points of agreement as well as disagreement as they emerge
- 👉 Identify priorities, criteria, key interests, e.g., *why?*
- 👉 Take notes of discussion and prepare a written summary for Council briefing packet
- 👉 Written input accepted subject to Council schedule
- 👉 Meeting format likely to vary depending on topics and numbers of participants

Workgroup Guidelines

- 👉 Meetings are open; process and products are transparent
- 👉 Public is welcome to attend and participate subject to guidelines:
 - *Workgroups will maintain an ambitious schedule to support the Council*
 - *Participants will honor agendas and schedules*
 - *Participants will be informed, prepared, respectful, and constructive*
 - *The charge to each workgroup will be the focus for input and discussion at each meeting*

Governance and Implementation Work Group

- 👉 Governance and Implementation: Address issues related to the State of California's policy for the Delta in Water Code Sections 85001 and 85020 (b),(h).
- 👉 Issues will be raised by the Council and specific charges defined for the workgroup by Council staff.

Background

- Water Code Section 85001 states in part the Legislature's intent to "establish a governance structure that will direct efforts across state agencies to develop a legally enforceable Delta Plan."
- Water Code Section 85020(b) identifies the following objective that is inherent in the coequal goals that must be achieved through a Delta Plan: "Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place."
- Water Code Section 85020(h) identifies the following objective that is inherent in the coequal goals that must be achieved through a Delta Plan: "Establish a new governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve [other] objectives."

Background

- SBX 7 1 requires (a) development of plans (e.g., a Delta Plan, an economic sustainability plan for the Delta by the DPC), and (b) consistency of state actions with the Delta Plan (e.g., Water Code sections 85001(c), 85204, 85302(h)). It also invites the Council to consider incorporating specific plans (e.g., Bay Delta Conservation Plan) or "any" plan into the Delta Plan that promotes the coequal goals.

Charge for Today's Meeting

- Provide timely input for the Interim Plan and Delta Plan
- 3 discussion questions
- Background materials identified in Workgroup announcement
- Written input options

Question 1

- What can the Council do to assist other agencies—state, local, and federal—to implement SBX 7 1?
- Are there early actions the Council should consider to promote implementation?

Question 2

-  *What implementation issues are likely to arise, and how can these be addressed as agencies respond to SBX 7 1 and the Council undertakes its responsibilities that include, but are not limited to, the following:*
- Suisun Marsh, where there is a geographic overlap with BCDC*
 - County land use plans*
 - Habitat Conservation Plans*
 - Levees, in light of the FloodSafe program administered by DWR and the CVFPP process and timeline*
 - As a responsible agency for the BDCP EIR. One possible implementation issue may be the future availability of lands for mitigation in the Delta?*

Question 3

-  **What steps should the Council take to best identify relevant plans and to address their relationship(s) to the responsibilities of the Council?**

Questions?