



Delta Stewardship Council
Public Participation Plan

Council Endorsement Draft

6/25/2020

**Changes from the 1st Draft are
Highlighted**

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Preface

State Requirements

As a California state agency, the Council's engagement of the public and transparency in its decision-making is subject to certain state requirements under state law. The strategies outlined in this document are in compliance with these requirements and do not in any way preclude the Council from meeting these requirements. These laws include:

- Delta Reform Act

The Sacramento-San Joaquin Delta Reform Act of 2009 (Delta Reform Act) (California Water Code sections 85000, et seq.) established the Council as an independent agency of the State of California and reorganized the governance of the Sacramento-San Joaquin Delta. The Delta Reform Act established the Council's seven-member governing body and requires the Council to hold monthly public meetings, with at least two meetings per year in the legal Delta. A map of the legal Delta can be found at <http://deltacouncil.ca.gov/pdf/delta-plan/figure-1-1-delta-boundaries.pdf>.

For a copy of the text of the Delta Reform Act, please contact the Office of Public Participation at engage@deltacouncil.ca.gov.

- Bagley-Keene Open Meeting Act

The Bagley-Keene Open Meeting Act (Bagley-Keene Act) (California Government Code sections 11120, et seq.) applies to meetings of the Council, Delta Independent Science Board, and the Delta Plan Interagency Implementation Committee. For more information regarding the Bagley-Keene Act or specifics on its requirements, please visit the Attorney General's webpage on the law at: <https://oag.ca.gov/open-meetings>.

- California Environmental Quality Act

The California Environmental Quality Act (CEQA) requires state and local agencies to disclose the environmental impacts of certain activities that may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and to mitigate or avoid significant effects on the environment whenever it is feasible to do so (California Public Resources Code section 21002.1). CEQA provides opportunities for the public to be involved and provide input at various points in the environmental review process.

For more CEQA information, please visit the Governor's Office of Planning and Research CEQA page at: <http://opr.ca.gov/ceqa/>.

- Administrative Procedure Act

The California Administrative Procedure Act (APA) (California Government Code, sections 11340, et seq.) lays out the process for public participation in the adoption of new or amended state regulation, among other things.

For more information on the APA, please visit the Office of Administrative Law at https://oal.ca.gov/publications/administrative_procedure_act/.

- AB 52 Tribal Consultation

Assembly Bill (AB) 52 (California Public Resources Code sections 21073, et seq.) established, among other things, a consultation process for CEQA lead agencies with California Native American tribes during the CEQA process.

For more information on AB 52, please visit the Native American Heritage Commission's website at: <http://nahc.ca.gov/2015/06/implementation-of-ab-52-ceqa-tribal-consultation-information/>

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The Delta Stewardship Council's Public Participation Program

What is the Delta Stewardship Council?

The Delta Stewardship Council (Council) is an independent state agency created by the Delta Reform Act to advance California's coequal goals for the Sacramento-San Joaquin Delta (Delta): to provide a more reliable water supply for California and protect, restore, and enhance the Delta ecosystem, both to 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. To achieve the coequal goals, the Delta Reform Act required the Council to develop an enforceable long-term sustainable management plan for the Delta to ensure coordinated action at the federal, state, and local levels. The resulting Delta Plan, adopted in 2013, includes both regulatory policies and non-binding recommendations.

The Council has an important role in the facilitation, coordination, and integration of a range of actions and policies in support of the coequal goals. Implementing the Delta Plan occurs through the Council's leadership and oversight of the Delta Plan, ongoing staff-to-staff agency coordination, synthesis of science to support the Delta Plan, and other related activities.

The Council's governing body is comprised of seven members who provide a broad, statewide perspective and diverse expertise spanning agriculture, science, the environment, public service, and beyond. Of the seven members, four are appointed by the Governor, one each by the Senate and Assembly, and the seventh member is the chair of the Delta Protection Commission.

One of the primary responsibilities of the Council in the implementation of the Delta Plan is the certification of consistency process. Projects located, in whole or in part, within the boundaries of the Delta or Suisun Marsh, which meet the definition of a "covered action," must self-certify by filing a certification of consistency with the Council that the project is consistent with the Delta Plan. Any person who thinks the proposed covered action is inconsistent with the Delta Plan, and consequently will have a significant adverse impact on the achievement of one or both of the coequal goals or implementation of government-sponsored flood control programs to reduce risks to people and property in the Delta, may then file an appeal of the certification within 30 days of the certification. When an appeal is filed, the Council undertakes a quasi-judicial process to make a determination on the appeal. More information on the administrative procedures for the appeals process (including a flow chart for easy reference) and how to file an appeal, can be found at: <http://deltacouncil.ca.gov/delta-plan/covered-actions>.

The Council also facilitates the Delta Plan Interagency Implementation Committee (DPIIC). Made up of federal, state, and local representatives, DPIIC strives to facilitate Delta Plan implementation through increased coordination and integration of goals for

the Delta. Maintaining focus on the intersection of Delta Plan and California Water Action Plan implementation with federal interests in the Delta, DPIIC aims to highlight progress on achieving the coequal goals.

Another important component of the Council is the Delta Science Program, charged with providing the best possible unbiased scientific information to inform water and environmental decision-making in the Delta. The Council appoints the ten members of the Delta Independent Science Board, comprised of nationally or internationally prominent scientists with expertise to evaluate the broad range of scientific programs that support adaptive management of the Delta. The Delta Independent Science Board has the authority to provide oversight of the scientific research, monitoring, and assessment programs that support adaptive management of the Delta through periodic reviews of each of those programs. After consultation with the Delta Independent Science Board, the Council also appoints a Lead Scientist to oversee the implementation of the Delta Science Program.

For more information about the work of the Council, please visit www.deltacouncil.ca.gov.

What did we hear from the public?

Throughout the development of this Plan, the Council undertook various public outreach activities to gather feedback on the Council's public participation efforts. Public outreach for the initial development of the Plan included a "public participation" survey distributed to the public and stakeholders and direct outreach to stakeholder groups. Council staff also evaluated past Council public participation processes and the feedback received, public participation survey responses from the Five-Year Review of the Delta Plan, and current public participation best practices. The public draft of this Public Participation Plan (Plan) was released for **two** 30-day public comment periods, which included Council meeting presentations and discussion, an open house "roadshow" for the public to provide feedback in-person, and a webinar to receive statewide input.

From this outreach and analysis, the Council took the following key points to consider in the development of this Public Participation Plan:

- There is a desire to see the Council meet outside of the Sacramento area more often **than it does currently**;
- Find more ways to communicate whether (and how) input and public comments were, or were not, incorporated into final products or decisions and why;
- There is a need to expand awareness of the Council's role in the Delta and the implications of its decisions;
- There is a general lack of familiarity with the availability of information about the Council's deliberations online;
- Early **and proactive** outreach is preferred; **and**
- Continued engagement with underrepresented communities and Native American tribes is essential

- Given the COVID-19 emergency, the Council needs to identify the steps it will take to adjust public participation opportunities when public safety concerns arise. This includes the use of remote options for participation.

This Plan addresses these recommendations through the strategies for public involvement outlined in this Plan and the Council's evaluation of its public involvement practices.

What does this Public Participation Plan do?

The Council was established to bring a statewide perspective to how the Delta is managed, and therefore the work of the Council has the potential to impact many people throughout the State of California. As such, a large number of members of the public are interested in the Council's activities ranging from, but not exclusive to, residents of the Delta community, California water users, conservation groups, the overall scientific community, and other state, federal, and local agencies that have responsibilities in the Delta. Stakeholders and the public at large have varying interests in the Council's work and mission, including the details of the policies and recommendations of the Delta Plan, the Council's regulatory authority, the scientific synthesis and outreach undertaken by the Council, or the collaborative decision-making the Council uses to further the coequal goals, among many other topics. Each interaction the Council has with members of the Delta-interested community is an opportunity to further assist the Council to formulate good public policy.

As a state agency led by an appointed Council, public participation is fundamental to what the Council is and does. The Plan provides additional detail about current public engagement activities and highlights additional information and acts as a guide to how any stakeholder or member of the public, regardless of background, location, ability, or status, has an opportunity to inform Council decision-making.

To achieve this, the Council will continue to build its public participation program upon these foundations:

- Endeavor, to the maximum extent feasible where not already required by law, to communicate whether (and how) input and public comments were, or were not, incorporated into final products or decisions and why.
- Strive to understand how its decisions and work-products impact all affected communities by actively working to involve all interested parties.
- Ensure, from start to finish, to the extent feasible, and where not already required by law, that the process and information necessary for public and stakeholder engagement on issues before the Council will be prompt, clear, and available to all.
- Evaluate the most current best practices in public engagement and work to continually innovate its public participation program in order to be accessible to a broad range of audiences.
- Value and promote **accessibility**, equity, inclusion, and diversity in the development and implementation of the Council's public engagement processes.

The Council recognizes that the possible effective mechanisms for public participation are not “one size fits all” and may vary depending on the particular issue. The Plan can be used as a reference guide by the public and stakeholder groups to understand the Council’s public participation activities. This Plan will be reviewed and revised periodically to ensure it is reflecting best practices.

Opportunities and Strategies for Public Involvement

At any given time, the Council is undertaking numerous projects based on Council priorities and annual work planning. While this document does not outline the process for each individual project, it does provide the suite of involvement opportunities the Council will model each individual project or decision’s public participation process. At the beginning of Council projects (such as Delta Plan amendments, issue paper development, etc.), the Council will outline the opportunities for public engagement and provide regular updates on the project’s process and important dates. Inquiries about a project’s public engagement process can be sent to engage@deltacouncil.ca.gov.

Meetings of the Delta Stewardship Council, Delta Plan Interagency Implementation Committee, and Delta Independent Science Board

Delta Stewardship Council

The Council meets at a duly noticed public meeting, usually held on the fourth Thursday of every month, although the schedule can change based on the discretion of the chair, holiday considerations, or special circumstances. Facilitated by the Council chair (or vice-chair in the chair’s absence), the Council hears and takes action on items pursuant to its authority under the Delta Reform Act, including the Delta Plan and the implementation of the coequal goals. Topics on the agenda may include, but are not limited to:

- Delta Plan Amendments
- Delta Plan Certification of Consistency appeal hearings (see details at <http://deltacouncil.ca.gov/delta-plan/covered-actions>)
- Planning Division and Delta Science Program project updates
- Funding approval for contracts
- Reports from the chair, executive officer, and Delta lead scientist
- Updates from other agencies and stakeholders on work implementing the Delta Plan

More information on the Council, including its adopted meeting procedures, can be found at: <http://deltacouncil.ca.gov/about>.

Delta Plan Interagency Implementation Committee

The Council established the Delta Plan Interagency Implementation Committee (DPIIC) after the adoption of the Delta Plan in 2013 and continues to coordinate and oversee its activities as required by the Delta Reform Act. Usually meeting two to three times per year, DPIIC facilitates Delta Plan implementation through increased coordination and

integration of state and federal agency actions in support of shared national, statewide, and local goals for the Delta.

More information on DPIIC, including its charter and guiding principles, can be found at: <http://deltacouncil.ca.gov/dpiic/>.

Delta Independent Science Board

Also created by the Delta Reform Act, the Delta Independent Science Board (Delta ISB) meets monthly and is a standing board of nationally or internationally prominent scientists, appointed by the Council, with appropriate expertise to evaluate the broad range of scientific programs that support adaptive management of the Delta.

The Delta ISB meets publicly on a monthly basis and incorporates public participation into its processes, subject to the Bagley-Keene Act, the Delta Reform Act, and other applicable laws. More information on the Delta ISB, along with opportunities for public involvement in its activities, can be found at: <http://deltacouncil.ca.gov/delta-isb/>.

Notices

Notice for each Council, DPIIC, and ISB meeting is posted on the Council's website at least ten days in advance of the meeting and is sent out via the Council's online mailing list, or physically mailed to interested parties that have requested such notice. Notice for certain items on the agenda (e.g., Certification of Consistency Hearings, Delta Plan Rulemaking Hearings) may be posted earlier. A person can be placed on the notification list for these notices by emailing the Council's **Public Participation** office (engage@deltacouncil.ca.gov) or calling (916) 445-5511. The notice includes the date, time, location, **remote participation options (if available)**, and agenda of items for the meeting. The notice also describes whether each agenda item is for information purposes only, or whether it includes a requested action (although items on the agenda may be subject to action, at the discretion of the Council). The order of the agenda on the notice is subject to change. If the order of the agenda is changed, the chair will clearly state the new order at the beginning of the meeting (or when the change is known to be needed), and when each agenda item that was moved is to be undertaken. No items will be added to the agenda within ten days of the Council meeting unless special circumstances apply and allowed by the Bagley-Keene Act.

Notices for each meeting can be found at:

Council: <http://deltacouncil.ca.gov/council-meetings>

DPIIC: <http://deltacouncil.ca.gov/dpiic/meetings>

ISB: <http://deltacouncil.ca.gov/delta-isb/meetings>

Meeting Locations

Meeting locations for public meetings are selected with accessibility, time constraints, transportation options, comfort, **public safety**, and anticipated attendance size in mind.

The location(s) of each meeting of the Council, DPIIC, and ISB is always included in the meeting notice.

Council: The meetings of the Council take place at various locations throughout the year, mainly in Sacramento. Each year the Council must hold two of its meetings within the boundaries of the legal Delta but **strives to meet** in the legal Delta more often. In addition, to ensure ease of access to the Council's deliberations by the public and stakeholders, the Council works to ensure the meeting's location is selected in consideration of the context of the meeting's agenda. For example, if the agenda includes an item regarding a project with a physical location (e.g., a hearing on the appeals of a project's certification of consistency), attempts will be made to have the Council meeting location close to the project impact area. In addition, with statewide interest in the Council's work, the Council also seeks opportunities to meet or have workshops throughout the state.

DPIIC: Due to the schedules of state and federal agency DPIIC members, DPIIC meetings typically take place in Sacramento.

ISB: The Delta ISB usually meets in-person six times a year in Sacramento and in alternate months by teleconference with teleconference locations of the members publicly noticed and accessible to the public. To increase the visibility and interaction of the Delta ISB with Delta residents and stakeholders, and to enhance the Delta ISB's familiarity with Delta issues, the Delta ISB holds at least one of its meetings within the Delta every calendar year.

Webcasting of Meetings

The Council webcasts Council, DPIIC, and ISB meetings so that any interested party can watch or listen to the deliberations regardless of their location. Occasionally, teleconference meetings may be used, which are "audio-only" and available either online or via phone (please refer to meeting notice to determine if this applies). Links to the webcast are available on the Council's home page (www.deltacouncil.ca.gov) at the time of the meeting. In addition, archived videos of meetings become available within seven days of the meeting. **If a meeting has remote participation options available (beyond the webcasting of the meeting), those details will be outlined on the meeting's notice.**

Archived recordings for each webcast meeting can be found online at:

Council: <https://cal-span.org/static/meetings-DSC.php>

DPIIC: <https://cal-span.org/static/meetings-DSC.php>

ISB: <https://cal-span.org/static/meetings-DISB.php>

Requests for electronic copies of archived videos can also be submitted to archives@deltacouncil.ca.gov.

Materials

All Council-staff developed materials provided to the Council, DPIIC, or ISB for its deliberations are made available to the public in hard copy at the meeting. Most materials are also available electronically online prior to the meeting. Those Council-developed materials not posted online before the meeting are posted online within three business days. In order to save paper, the Council encourages members of the public to refer to meeting documents online (link below). As a result, only a limited number of paper copies are available to the public at the meeting. Select archived meeting materials are available online on the Council's meeting webpage (link below); additional archived materials are available for review at the Council's office at 980 Ninth Street, Sacramento, CA, 95814 or by emailing archives@deltacouncil.ca.gov for electronic copies.

Current and select archived Council-developed materials for meetings can be found online at:

Council: <http://deltacouncil.ca.gov/council-meetings>

DPIIC: <http://deltacouncil.ca.gov/dpiic/meetings>

ISB: <http://deltacouncil.ca.gov/delta-isb/meetings>

Meeting Accessibility and Language Access

The Council conducts its meetings in locations that are accessible to disabled persons and does not prohibit the admittance of any person, or persons, on the basis of ancestry or any characteristic listed or defined in Government Code Section 11135. The public is encouraged to contact **the Council's Office of Public Participation** at engage@deltacouncil.ca.gov prior to a meeting if any special accommodation or language needs are required. Special accommodation or language needs may include the following:

- An interpreter to be available at the meeting;
- Documents made available in an alternate format or another language; and
- Disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact **the Council's Office of Public Participation** as soon as possible, but no later than seven (7) business days before the scheduled meeting.

New accessibility requirements for posting documents on state government websites have gone into effect. The Council's website is designed, developed, and maintained to be in compliance with Government Code Sections 7405 and 11135, and the Web Content Accessibility Guidelines 2.0, or a subsequent version, published by the Web Accessibility Initiative of the World Wide Web Consortium. Council meeting notices and other materials posted to the Council's website are designed to meet the applicable standards. If you are unable to view or access one of these documents, please contact us at accessibility@deltacouncil.ca.gov.

General Public Participation Strategies

Public Comments

Public comments are always welcome by the Council and are important to the Council in its decision-making processes. Comments can be provided at Council, DPIIC, and ISB meetings, public forums, and during public comment periods for specific projects, or can be provided at any time to the Council's address listed in Appendix A or by email to engage@deltacouncil.ca.gov.

During Council, DPIIC, and ISB meetings, public comment is accepted on each agenda item during the meeting. Comments on topics not on the agenda on matters within the jurisdiction of the governing body can be provided at the end of each meeting, with any response of the members at the meeting being subject to the restrictions of the Bagley-Keene Act. To ensure the opportunity for all interested members of the public to provide comments, the chair of any of the three bodies may place a time limit on oral comments at the meeting. Each member of the public that provides comments at a public meeting is encouraged to fill out an informational "blue" card stating the commenter's name, affiliation, contact information, and general information for the comment, and submit it to the Council, DPIIC, or ISB Clerk prior to addressing the Council. These cards ensure that the Council has contact information to follow-up with the commenter to gather more information, discuss the issues, and address concerns, if possible. **If a meeting has a remote option available for providing comments, the details for providing those comments will be outlined on the meeting's notice.**

For comments that are sent to the Council, DPIIC, or ISB by regular mail or email; those received before 12:00 p.m. the day before the respective meeting will be distributed to members in advance of that meeting **in their meeting packets**. Correspondence received after 12:00 p.m. the day before the respective meeting, or hand-delivered at the meeting, will be distributed to the members at that meeting, **and provided to any members participating remotely as soon as feasibly possible.**

In addition to Council meetings, when feasible and depending on the Council's needs, some Council projects (e.g., amendments to the Delta Plan, development of issue papers, etc.) may include a public comment period ranging from 30-45 days or longer, and/or a public forum to provide project information and offer the public opportunities to provide input on initial concepts or draft text for project's. A public comment period or forum, along with where and how to submit comments, will be publicly noticed on the Council's website, and information will be disbursed to its listserv or mailed to those requesting. To sign up to receive notices for the Council's listserv, please visit the Council's website at: <http://deltacouncil.ca.gov/> and click the "Get Updates" link at the bottom of the home page. The Council and staff read and consider each comment submitted during comment periods.

The Council understands that those taking the time to provide comments or address the Council would like to see how their input has informed the Council's work. The Council

considers and addresses public comments in a variety of ways, including but not limited to staff reports on Council projects. In addition, if required by CEQA or the APA, responses to comments are included in project environmental and rulemaking documents. For certification of consistency appeal hearings, responses to comments from appellants and the Delta Protection Commission are included in project documentation.

Public Forums (Workshops, Open Houses, Webinars, etc.)

To facilitate information sharing and afford the public opportunities to more directly share their views and ask questions, the Council often uses public forums such as workshops, open houses, or webinars. These venues can be used in a variety of ways, including to share information, explore projects or specific topics in more detail, or solicit feedback on Council activities, work products, or projects. The Council understands the desire for public input on projects to occur as early as possible and will strive to have public forums occur ahead of key decisions.

The Council provides notice of these events at least ten days prior, if not earlier. Materials for the public forum, as well as any PowerPoint presentations, are made available at the meeting, **although usually earlier online**. The locations for public forums are publicly accessible, and travel distance for expected attendees is considered.

Workshops for Council work products are a key way for the Council to gather public input. While workshop agendas vary, they usually start with a staff presentation regarding the project, proposal, or issue that is being addressed. Other organizations or groups may also be invited to present, depending on the workshop. The workshop may then be organized into either general group discussion or breakout groups where participants are assigned into smaller groups to facilitate more intimate discussion. Workshops always end with an overview of the next steps in the project's development to ensure clarity for the public of where they can get involved in the process in the future.

The Council understands that participants are often busy and have many demands on their time. To address this, the Council will occasionally use open houses where numerous topics or projects can be discussed at any one time. In an open house, the public can arrive at any time during the scheduled availability, and staff will be available to members of the public for each topic or project.

With the Council's statewide mission, webinars **(using video-conferencing software)** may also be used as an opportunity to gather and share information from members of the public and stakeholders who may not be able to attend a meeting in person but can participate remotely online. Webinars will be set up to facilitate discussions and answer questions from attendees or may also be used to disseminate information (e.g., Brown Bag presentations) and provide training on tools and resources available from the Council. Recordings of webinars will also be made available after the event online (please refer to the specific webinar announcement for web location).

Delta Science Program Science Communication Events

In an effort to communicate the best available science in the Delta, the Council's Delta Science Program hosts specialized forums to communicate advances in scientific understanding of the system. Some of these events include conferences (e.g., the Bay-Delta Science Conference), brown bag seminars (lunchtime talks on Delta scientific findings and synthesis, free to the public), and symposia (longer 1-2 day discussions, also free to the public). The Delta Science Program also uses workshops to gather input, and hosts interagency forums to facilitate collaboration and management efforts (such as the Integrated Modeling Steering Committee and Interagency Adaptive Management Integration Team).

More information about Delta Science Program forums can be found at: <http://deltacouncil.ca.gov/delta-science-program/science-communication>.

Advisory Groups

Depending on the project, Council staff may convene advisory groups to assist and provide expertise in the development of projects. Members of these advisory groups typically possess the expertise required, depending on the project, and span the range of groups that will or could be affected by the project. Interested members of the public are encouraged to be on the lookout for calls for applications for advisory groups for Council projects on the Council's website, listserv, or social media in the future. **The Council will also work with community-based organizations to identify potential members for these advisory groups.**

In addition, the Council recognizes that there are numerous existing groups already convened throughout the Delta and the state that have an interest in the Council's work (e.g., Delta Protection Advisory Committee, Delta Levees Habitat Advisory Committee, etc.). Whenever possible, the Council will work with these stakeholder groups to identify opportunities for engagement on Council projects. If an organization would like to receive a presentation on a Council project, they can contact the Council at engage@deltacouncil.ca.gov to request a presentation or meeting.

Online Engagement

The Council primarily issues notices and materials for meetings and projects electronically via its email listserv. To sign up to receive notices for the Council's listserv, please visit the Council's website at: <http://deltacouncil.ca.gov/> and click the "Get Updates" link at the bottom of the home page.

The Council also regularly engages the public through social media via Twitter, Instagram, LinkedIn, and Facebook. The Council encourages those who are interested in joining the Council on those platforms. The Council's page on each of these platforms can be found at:

Twitter: twitter.com/deltacouncil

Instagram: instagram.com/deltastewardshipcouncil/

LinkedIn: [linkedin.com/company/delta-stewardship-council-a-california-state-agency/](https://www.linkedin.com/company/delta-stewardship-council-a-california-state-agency/)

Facebook: [facebook.com/Delta-Stewardship-Council-137873226259597/](https://www.facebook.com/Delta-Stewardship-Council-137873226259597/)

The Council recognizes that not all members of the public have access to a computer or reliable internet. If a member of the public would like to receive hard copy notices of Council, DPIIC, ISB, or other meetings, please contact **the Council's Office of Public Participation** at engage@deltacouncil.ca.gov or by calling (916) 445-5511.

Staff Assistance

The Council is committed to involving the public in its work, and that includes its staff. The Council's staff provides the following services to ensure ease of access to information for the public:

- Posting and **ensuring** Council-developed meeting materials **are** available to the public
- **Providing a point of contact for public commenters at Council, DPIIC, and ISB meetings**
- **Ensuring Council public participation activities and locations are accessible to interested members of the public**
- **Coordinating and tracking receipt of public comments and dissemination to the Council or appropriate staff**
- **Gathering and producing archived documents for interested members of the public** upon request
- Ensuring the website is up to date and easy to access and maneuver
- Working with interested organizations to arrange for Council staff presentations to their group (Council Speakers Bureau)

If a member of the public has any questions or concerns at a meeting, public forum, or otherwise, Council staff are always available to assist and are at all Council public meetings.

Public Participation staff are available for assistance and can be contacted at 916-445-5511 or engage@deltacouncil.ca.gov. Additional contact information can be found in Appendix A.

Tribal Engagement

As outlined in the Delta Reform Act, the Council's mission is to further the state mandated coequal goals for the Delta through the development, adoption, and implementation of the Delta Plan. The Delta is home to California tribal cultural resources and, as a state agency, the Council promotes effective government-to-government consultation between the Council and tribes regarding decisions and activities that may impact those resources.

The Council engages in early tribal consultation prior to and during CEQA review, per AB 52. Recognizing that tribes have expertise concerning their tribal history and practices, the Council provides notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project as well as to tribes that have requested notice of projects proposed within that area. If a tribe requests consultation, consultation may include discussing the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, and the alternatives and mitigation measures recommended by the tribe. The substance of the consultation is confidential, and information received from tribes during consultation concerning tribal resources is protected from public disclosure by law.

In 2015, the Council adopted a Tribal Consultation Policy (Policy) that aims to engage in the timely and active process of seeking, discussing, and incorporating the views of California Native American tribes and tribal communities into its decision-making (separate from CEQA per AB 52) in an effort to resolve the concerns of as many parties as possible. The Council's Tribal Consultation Policy can be found in Appendix B.

The Policy includes the Council identifying potentially impacted tribes, consulting with them at the earliest possible time, and allowing a reasonable opportunity for tribal communities to respond and participate. The Council also disseminates documents to tribal communities and contacts them with this information when appropriate. Meetings are facilitated in a way to allow as much tribal participation as possible. The Policy also outlines that Council staff regularly undertake training in tribal outreach.

The Council has also designated a Tribal Liaison as a central point of contact for tribal communities. The Liaison ensures that the Council's outreach is undertaken in a manner consistent with the Council's Policy and applicable law, and develops ongoing relationships to inform tribes of any issues of interest. The Liaison also participates in the California Natural Resources Agency's (CNRA) tribal liaison committee to ensure the Council efforts is consistent with Agency efforts, and assess opportunities for collaboration with other tribal liaisons. If a California tribe would like to be added to the notification list for the Council's CEQA processes, or any Council project, please contact the Council's Tribal Liaison at tribal.liaison@deltacouncil.ca.gov, (916) 445-5269, or by mail at Tribal Liaison, Delta Stewardship Council, 980 Ninth Street, Suite 1500, Sacramento, CA 95814.

Environmental Justice and Outreach to Disadvantaged Communities

Environmental justice includes communities disproportionately impacted by the environmental effects of planning and project decisions. *Disadvantaged communities* refer to communities with significant poverty or other adverse economic factors. These communities are also often (but not always) underserved by basic services associated with adequate standards of living such as, but not limited to: reliable and clean water, safe and sanitary housing, food security, and transportation services. The Delta region

is home to multiple disadvantaged communities, and environmental justice is a concern in the Delta. In addition, water exported from the Delta is an important source of drinking water and water used for irrigation by disadvantaged communities throughout the state.

During the first Five-Year Review of the Delta Plan (2018-2019), the Council heard and recognized that outreach to, and participation from, these communities is a key planning topic and emerging issue for implementation of the Delta Plan. To address this in the context of the Delta Plan's policies and recommendations, the Council committed to the development of an issue paper that summarizes the best available science to identify additional responses available for the Council and the Delta Plan to address disadvantaged communities and environmental justice. The development of the issue paper will include a public engagement process drawing upon the tools outlined in this Plan. This process will include an exploration of opportunities to collaborate with Delta and other community-based organizations (CBOs) to increase outreach to these communities during the development of this issue paper and other Council projects.

In addition, to support the development of the issue paper and the overall implementation of the Council's public participation efforts, the Council will provide its staff with training in the fundamentals of environmental justice and outreach techniques to disadvantaged communities.

Public Participation During Emergencies

During declared emergencies, the Council and ISB may need to adjust public participation processes or activities when it becomes unsafe for the Council office to remain open, and/or for meetings or other forums for public participation to occur in-person.

For example, in an effort to reduce community transmission of COVID-19, in March 2020 the Governor issued Executive Orders waiving certain Bagley-Keene Act requirements for public meetings. In response, the Council and ISB noticed and held fully remote meetings, and continued to provide opportunities for full participation by members, staff, and the public at those meetings. The Council and ISB offered the use of webcasting, webinar software, and telephonic access to conduct those public meetings. The Council also used telework functionalities to enable the Council and ISB to continue to conduct business and communicate with and serve the public while the Council's office was closed. This information was posted on the Council's webpage and communicated through meeting notices, direct outreach, and listserv and social media announcements.

When such extraordinary circumstances arise, the foundations of this Public Participation Plan (see page 7) remain in place. Furthermore, during emergencies, the Council and ISB will:

- Consider public safety (including Federal, State, and local orders and/or guidelines), statutory or regulatory deadlines, and other considerations as

required for each project or decision when deciding upon public review timelines and processes available for public participation. This could include creating remote participation options for meetings, extending the timeline for decision-making or public comment periods, or postponing decisions until safe in-person interaction is feasible.

- Communicate participation-related changes made in response to an emergency widely, for example: on the Council's webpage, through listserv and social media notices, on meeting notices, and/or at public meetings.

In the event that Bagley-Keene Act requirements relating to in-person meetings are waived or otherwise modified, the Council will make every effort to ensure that public participation opportunities include both the use of video-conferencing software, and telephonic access to enable remote participation for interested members of the public who may not have access to the internet.

If the Council office is closed during an emergency, members and staff will continue to work remotely (when feasible) and can be reached via email or telephone. Members of the public can email hello@deltacouncil.ca.gov or call (916) 445-5511 for assistance. To sign up to receive notices for the Council's listserv, please visit the Council's website at: <http://deltacouncil.ca.gov/> and click the "Get Updates" link at the bottom of the home page.

Evaluation and Update of the Public Participation Plan

As the Council becomes aware of new, more effective ways of engaging the public in its work, it will evaluate the new processes in order to be more accessible to a broader range of audiences. The Council also understands that one size does not fit all for the public engagement process on every issue or project. As such, the Council will continue to work with interested stakeholders and the public to ensure the process for each project or issue is adapted to meet the Council's and public's needs.

To gauge the effectiveness of this Plan, the Council will periodically release public surveys that will assess the Council's public participation efforts and provide input on what the Council can do to improve outreach. A comment box will also be available at Council meetings, public forums, and other public events. Members of the public can also call (916) 445-5511 to provide feedback.

Council staff will use the information received from the assessment to identify trends and report on the results to the Council and the public. This evaluation will also be used to adjust the Council's best practices as needed.

This Public Participation Plan will be reviewed by the Council at least every five years, although the Council may incorporate new methods for effective public participation and engagement as they become known.

Appendix A: Contacts

Address:

Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

Telephone:

(916) 445-5511

Website:

www.deltacouncil.ca.gov

General Emails:

General: hello@deltacouncil.ca.gov

Office of Public Participation: engage@deltacouncil.ca.gov

Council Archives: archives@deltacouncil.ca.gov

Website Accessibility: accessibility@deltacouncil.ca.gov

Media Contact: media@deltacouncil.ca.gov

Covered Actions: coveredactions@deltacouncil.ca.gov

Office of Public Participation:

(916) 445-4294

engage@deltacouncil.ca.gov

Tribal Liaison:

Erik Erreca

(916) 445-5269

tribal.liaison@deltacouncil.ca.gov

Social Media:

Twitter: twitter.com/deltacouncil

Instagram: [instagram.com/deltastewardshipcouncil/](https://www.instagram.com/deltastewardshipcouncil/)

LinkedIn: [linkedin.com/company/delta-stewardship-council-a-california-state-agency/](https://www.linkedin.com/company/delta-stewardship-council-a-california-state-agency/)

Facebook: [facebook.com/Delta-Stewardship-Council-137873226259597/](https://www.facebook.com/Delta-Stewardship-Council-137873226259597/)

Appendix B: Tribal Consultation Policy



DELTA STEWARDSHIP COUNCIL
A California State Agency

980 NINTH STREET, SUITE 1500
SACRAMENTO, CALIFORNIA 95814
HTTP://DELTACOUNCIL.CA.GOV
(916) 445-5511

Chair
Randy Fiorini

Members
Aja Brown
Frank C. Damrell, Jr.
Phil Isenberg
Patrick Johnston
Mary Piepho
Susan Tatayon

Executive Officer
Jessica R. Pearson

**DELTA STEWARDSHIP COUNCIL
ADOPTION OF FINAL TRIBAL CONSULTATION POLICY**

~~March 1, 2014~~

May 15, 2015

Pursuant to Executive Order B-10-11 dated September 19, 2011,
the Delta Stewardship Council hereby adopts the amended
Final Tribal Consultation Policy.

Date: 6/30/15

Jessica R. Pearson

Executive Officer, Delta Stewardship Council

"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."

– CA Water Code §85054



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DELTA STEWARDSHIP COUNCIL

A California State Agency

Delta Stewardship Council Tribal Consultation Policy

Purpose of the Policy

The mission of the Delta Stewardship Council (Council), as outlined in the Delta Reform Act of 2009, is to further the state mandated coequal goals for the Delta through the development, adoption, and implementation of a Delta Plan. "Coequal goals," as stated in the Act, means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The law further requires that 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.

California Native American Tribes and tribal communities have sovereign authority over their members and territory, and a unique relationship with the Delta and California's resources. All California tribes and tribal communities, whether federally recognized or not, have distinct cultural, spiritual, environmental, economic and public health interests and unique traditional cultural knowledge about California resources.

On September 19, 2011, Governor Edmund G. Brown, Jr. issued Executive Order B-10-11, which provides, among other things, that it is the policy of the administration that every state agency subject to executive control will implement effective government-to-government consultation with California Indian tribes.

The purpose of this policy is to ensure effective government-to-government consultation between the Council and Indian tribes and tribal communities and to provide meaningful input into the development of regulations, rules, policies, programs, projects, plans, property decisions and activities that may affect tribal communities. It is only by engaging in open, inclusive and regular communication efforts that the interests of California's tribes and tribal communities will be recognized and understood in the larger context of complex decision-making. The goal of the policy is to engage in the timely and active process of respectfully seeking, discussing and considering the views of California Indian tribes and tribal communities in an effort to resolve concerns of as many parties as possible.

"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."

– CA Water Code §85054

Tribal Policy

Page 2

This policy is not intended to replace or supplant obligations mandated by federal law. This policy defines provisions for improving Council consultation, communication and collaboration with tribes to the extent that a conflict does not exist with applicable law or regulations.

This policy anticipates a deliberate process that aims to create effective collaboration and informed decision making where all parties share a goal of reaching a decision together. All parties in the process should promote respect, shared responsibility and an open and free exchange of information. The inclusion of tribes and tribal communities throughout the decision making process will promote positive, achievable, durable outcomes.

This policy is intended solely for the guidance of employees of the Council and does not extend to other governmental entities, although the Council encourages cooperation, education and communication on the part of all governmental entities. This policy is not intended, and should not be construed, to define the legal relationship between the Council and California tribes and tribal communities. This policy is not a regulation, and it does not create, expand, limit, waive, or interpret any legal rights or obligations.

The Executive Officer of the Delta Stewardship Council hereby directs the Council's staff to undertake implementation of the policy as set forth below.

Implementation of the Tribal Consultation Policy

1. Outreach: The Council must identify the Native American tribes to consult at the earliest possible time in the planning process and allow a reasonable opportunity for tribes to respond and participate. The Council is responsible for meaningful consultation with Native American tribes that promote regular and early consultation through communication and collaboration. The Council will identify participants in the process - including the decision-makers and staff with an appropriate level of responsibility - that can ensure that tribal concerns will be brought forward.

The Council shall disseminate public documents, notices and information to California Indian tribes and tribal communities, minimally by contacting tribal government officials. The documents, regarding the topic for consultation, shall be made readily accessible to tribes and be provided at the earliest opportunity. Notification should include sufficient detail of the topic to be discussed to allow tribal leaders an opportunity to fully engage in a substantive dialogue. In the event the Council makes an attempt to initiate contact and does not receive a response, the Council should make reasonable and periodic efforts throughout the process to repeat the invitation.

The Council should conduct meetings, outreach and workshops at times and locations that facilitate tribal participation as much as possible. The Council will be open to communication opportunities initiated by tribes and seek opportunities for collaboration by communicating regularly with tribes. The Council should establish a mechanism to request relevant and available information, studies and data from tribes when conducting research or studies that relate to, or could impact, tribal lands or cultural resources. The Council should seek to protect any confidential information provided to the fullest extent allowed by the law, recognizing that the Council is subject to the California Public Records Act.

2. *Tribal Liaisons*: The Council should designate a tribal liaison, or liaisons, to serve as the central point of contact for Indian tribes. The role of the tribal liaison will be to ensure that the Council's outreach and communication efforts are undertaken in a manner consistent with this policy. Tribal liaisons should be encouraged and empowered to develop ongoing and regular communication with tribal representatives. Where possible and where consistent with Administration policy and guidance, tribal liaisons should use these ongoing relationships to inform tribes of issues of interest that may not necessitate consultation, such as legislative proposals that may affect tribal communities. Tribal liaisons should make an effort to provide feedback to the tribes on how information obtained from a consultation informed the Council's decision making process.
3. *Tribal Liaison Committee*: The Council's tribal liaison(s) shall also meet on a regular basis with their counterparts from the California Natural Resources Agency. The CNRA has a Tribal Liaison Committee consisting of agency department tribal liaisons that regularly review tribal consultation efforts and opportunities within their departments and share information.
4. *Access to Contact Information*: The Council shall work with the Native American Heritage Commission to maintain a contact list of tribal representatives from federally-recognized and non-federally recognized California Indian tribes.
5. *Training*: The Council will provide training to tribal liaisons and executive staff, managers, supervisors and employees on implementation of this policy.

Appendix C: Additional Information

Delta Stewardship Council

About the Council: <http://deltacouncil.ca.gov/about>

Councilmember Biographies: <http://deltacouncil.ca.gov/council-members>

Council Meeting Materials: <http://deltacouncil.ca.gov/council-meetings>

Council Frequently Asked Questions: <http://deltacouncil.ca.gov/frequently-asked-questions>

About the Delta Plan: <http://deltacouncil.ca.gov/delta-plan/>

Delta Plan Regulations: <http://deltacouncil.ca.gov/delta-plan/regulations>

Delta Plan Amendments: <http://deltacouncil.ca.gov/delta-plan/amendments>

Covered Actions: <http://deltacouncil.ca.gov/delta-plan/covered-actions>

Covered Actions Portal (Current and past Submissions):
<https://coveredactions.deltacouncil.ca.gov/default.aspx>

Covered Action Appeal Process Flow Chart:
<https://coveredactions.deltacouncil.ca.gov/assets/pdf/AppealFlow.pdf>

Delta Science Program: <http://deltacouncil.ca.gov/delta-science-program/>

Delta Independent Science Board (Delta ISB)

About: <http://deltacouncil.ca.gov/delta-isb/>

Delta ISB Member Biographies: <http://deltacouncil.ca.gov/delta-isb/members>

Delta ISB Meeting Materials: <http://deltacouncil.ca.gov/delta-isb/meetings>

Delta Plan Interagency Implementation Committee (DPIIC)

About: <http://deltacouncil.ca.gov/dpiic/>

DPIIC Member Biographies: <http://deltacouncil.ca.gov/dpiic/members>

Delta ISB Meeting Materials: <http://deltacouncil.ca.gov/dpiic/meetings>