Stakeholder and Organizational Assessment Findings and Recommendations

Submitted to:
California State Coastal Conservancy
U.S. Fish & Wildlife Service
California Department of Fish and Game

Prepared by the Center for Collaborative Policy
a joint program of
California State University, Sacramento
McGeorge School of Law, University of the Pacific

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SOUTH BAY SALT POND LONG-TERM RESTORATION PLAN
MISSION, GOAL, GUIDING PRINCIPLES, AND OBJECTIVES

(as of May 2003)

Mission: To prepare a scientifically sound and publicly supported restoration and public access plan that can begin to be implemented within five years.

Goal: The overarching goal of the Long-Term Restoration Plan is the restoration and enhancement of wetlands in the South San Francisco Bay while providing for flood management and wildlife-oriented public access and recreation.

Guiding Principles:

1. The Long-Term Restoration Plan is based on the best available science, and independent scientific review is an integral part of its development and implementation.
2. The Long-Term Restoration Plan is developed through an inclusive and open process that engages all stakeholders and interest groups.
3. Numerous federal, state and local agencies are partners in the Long-Term Restoration Plan and their views are considered fully.
4. The Long-Term Restoration Plan is a flexible plan that is based on the concept of adaptive management - recognizing that information gathering is part of implementation and that modifications will be made in the future based on that information.
5. The Long-Term Restoration Plan is implemented in phases, including achieving early, visible successes.
6. The Long-Term Restoration Plan emphasizes naturally sustaining systems and integrates habitat development actions at the landscape scale to provide South Bay ecosystem-level benefits.
7. Development of the Long-Term Restoration Plan will consider costs of implementation and monitoring so that planned activities can be effectively executed with available funding.

Project Objectives:

1. Create or enhance habitats of sufficient size and appropriate structure to promote restoration of native special status species that depend on South San Francisco Bay habitat for all or part of their life cycles.
2. Create or enhance habitats of sufficient size and appropriate structure to maintain current migratory bird species that utilize existing salt ponds and associated structures such as levees.
3. Create habitats of sufficient size, structure, function and diversity to support increased abundance and diversity of native species in various South San Francisco Bay aquatic and terrestrial ecosystem components, including plants, invertebrates, fish, mammals, birds, reptiles and amphibians.
4. Maintain or improve existing levels of flood protection in the South Bay area.
5. Provide public access and recreational opportunities compatible with wildlife and habitat goals.
6. Maintain or improve existing levels of water quality in the South Bay, and minimize adverse effects caused by habitat conversion activities.
7. Implement design and management measures to maintain or improve current levels of vector management, control predation on special status species, and manage the spread of non-native invasive species.
8. Protect existing infrastructure.

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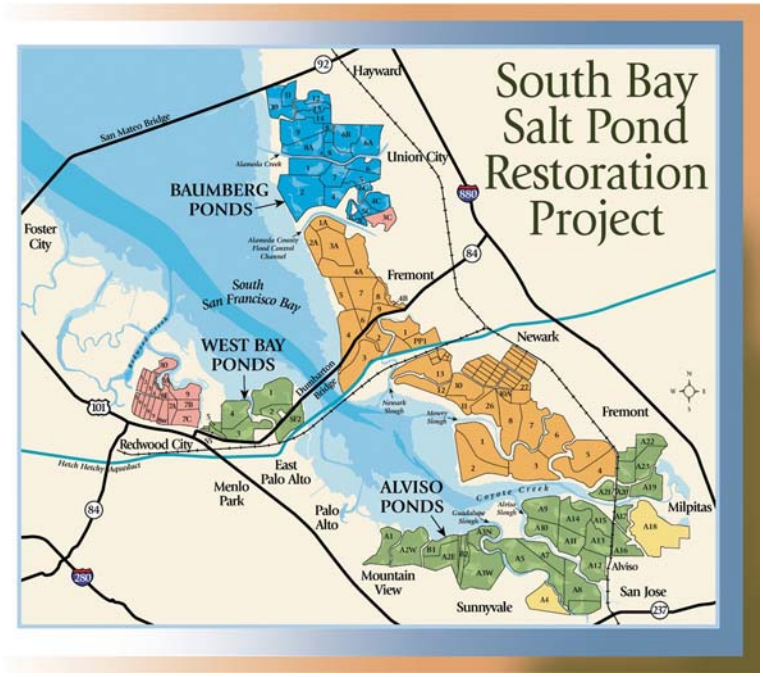
Note: The *Public Outreach Strategy* is provided under separate cover.

Cover page and all document photographs graciously provided by Point Reyes Bird Observatory's Conservation Science files

I. Executive Summary

The State of California and the Federal government have embarked on the restoration of 15,100 acres of recently acquired salt ponds in the South San Francisco Bay. Acquisition of the South Bay salt ponds provides an opportunity for landscape-level wetlands restoration, improving the physical, chemical, and biological health of San Francisco Bay. The South Bay Salt Pond Restoration Project (Project) will integrate habitat restoration with flood management while also providing for wildlife-oriented public access, recreation, and education opportunities. The Project will restore and enhance a mosaic of wetlands, creating a vibrant ecosystem.



The long-term restoration planning process is being managed collaboratively by the California Coastal Conservancy (Conservancy), U.S. Fish & Wildlife Service (USFWS), and California Department of Fish and Game (DFG), hereafter referred collectively as the "Project Partners". USFWS and DFG will be the landowners/managers and will be responsible for planning and conducting the interim stewardship of the salt ponds (maintenance of levees and management of water) while the long-term restoration planning is taking place.

Recognizing the great challenge of planning for the restoration of the ponds, the Project Partners asked the Center for Collaborative Policy (Center), a joint program of California State University Sacramento and the McGeorge School of Law, to complete a stakeholder and organizational assessment to elicit issues and concerns regarding the restoration planning process. From June through the end of July 2003, the Center conducted close to 70 interviews with various parties. Based on the information gained in these interviews, the Center has prepared this report for the Project Partners' consideration.

The Center's team analyzed the assessment findings in light of conditions that the Center considers essential for a successful collaborative planning process and outcome. These key conditions include the following:

- There are multiple opportunities to create mutually shared value and potential areas of agreement,
- The primary parties are identifiable and willing to participate,
- Each party has a legitimate spokesperson,
- There is a relative balance of power among the parties,
- There is external pressure to reach agreement,

- Primary participants share an investment in long-term, cooperative working relationships, and
- There are adequate financial resources to carry out the collaborative process.

The Center has concluded that the restoration project meets all of these conditions, with the possible exception of the final condition pertaining to funding resources. The following is a summary of the key findings from the assessment along with recommendations for organizing and carrying out a collaborative planning process.

General Restoration Goals and Objectives – Findings

Most stakeholders support the Guiding Principles and general goals and objectives. However, several stakeholders adjacent to the ponds are concerned about flood protection, public access, and broad community involvement. Despite the overall support for the goals and objectives, there is also a concern that South Bay restoration efforts should be integrated with the ecological health of the entire San Francisco Bay, rather than be a stand alone restoration effort. Another concern among stakeholders regards the potential incompatibility of objectives. Many stakeholders have a pragmatic opinion about these incompatibilities and realize that negotiated "trade-offs" will be necessary to achieve an implementable restoration plan.

General Restoration Goals and Objectives - Recommendations

Providing public access and integration of restoration and flood management should be addressed as specific Guiding Principles. Additionally, the Project Partners should either acknowledge that some objectives may be mutually incompatible, or they should assess and re-write some objectives to make them more compatible. Lastly, the Project Partners should re-visit all the objectives to ensure they are written at a comparable level of detail.

Restoration Planning Process and Public Participation - Findings

Overall:

Overall, the planning process needs significantly improved clarity about decision-making, communication, and work responsibilities. Stakeholders want to know who is leading the planning process, and they want publicly accessible, detailed descriptions of the roles, responsibilities, decision-making rules, decision points, lines of communication, and hierarchies for every element of the organizational structure. Similarly, stakeholders need to know where they "fit" in the planning process. Most want a prominent input role for stakeholders into the plan development. At the same time, many stakeholders strongly support the Project Partners' final decision-making role and authority.

Technical and Scientific Review:

Most stakeholders recognize the value of having technical review support and emphasized that any technical specialists to the project should have a high degree of experience and independence. They should have some influence in the design process and they should not be isolated from public interests. Most respondents support the National Science Panel (NSP) as a high-level review and advisory body.

Public Participation and Outreach:

Ensuring local participation is a concern of all of the stakeholders interviewed. Most stakeholders see their role as advisory to decision-makers on real-world benefits and drawbacks. Another role expressed by stakeholders is the opportunity to build public support and project ownership among other stakeholders. Lastly, a number of

stakeholders support a technical expertise role for non-governmental organizations (NGO), potentially funded by larger infrastructure organizations and agencies.

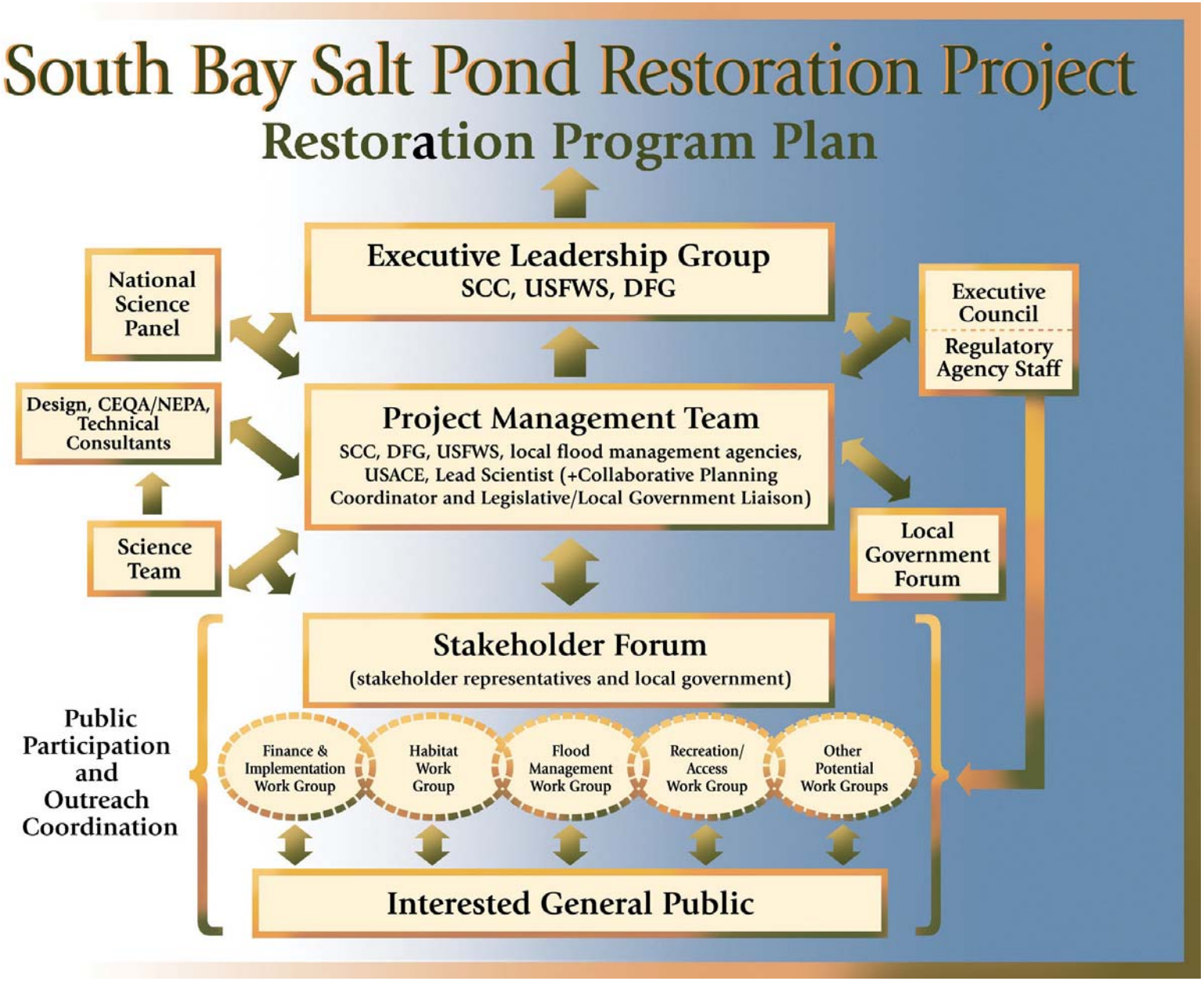
Use of consultants in the planning process:
A majority of respondents support the use of outside consultants but are concerned about consultants becoming decision-makers, and about related conflict of interest problems.

Use of neutral professional facilitation:
Stakeholders were largely favorable about the use of neutral facilitators, however, they expressed concern that facilitators should not overwhelm the planning effort with process steps and that facilitators need to have a comprehensive understanding of technical issues being discussed. They also expressed concern that facilitators be used judiciously at key milestones and with key groups, rather than having blanket interaction at all levels of the planning process.

Restoration Planning Process and Public Participation - Recommendations
The principal recommendation from the assessment is the creation of an organizational and planning structure for the South Bay Salt Pond Restoration Project that embodies the following key features:

- Transparency of decision-making;
- Representation of diverse public interests;
- Extensive collaborative public participation and outreach;
- Emphasis on building local partnerships; and
- Integration of robust science and technical review.

This proposed organizational structure is shown in the figure on the following page. Key roles within this structure are described following the figure.


South Bay Salt Pond Restoration Project
Restoration Program Plan
Executive Leadership Group
SCC, USFWS, DFG
National Science Panel
Executive Council
Regulatory Agency Staff
Design, CEQA/NEPA, Technical Consultants
Project Management Team
SCC, DFG, USFWS, local flood management agencies, USACE, Lead Scientist (+Collaborative Planning Coordinator and Legislative/Local Government Liaison)
Science Team
Local Government Forum
Stakeholder Forum
(stakeholder representatives and local government)
Public Participation and Outreach Coordination
Finance & Implementation Work Group
Habitat Work Group
Flood Management Work Group
Recreation/ Access Work Group
Other Potential Work Groups
Interested General Public

EXECUTIVE LEADERSHIP GROUP (ELG)

Composition: Executive Officer of the Conservancy, the California/Nevada Operations Manager of the USFWS, and the Executive Director of the DFG.

Role and responsibilities: Responsible for resolving all disputes that cannot be resolved at the Project Management Team (PM Team) level of the process (see below). The ELG is the recipient of all recommendations from the PM Team and the National Science Panel (NSP).

PROJECT MANAGEMENT TEAM (PM Team)

Composition: The Bay program manager and a project manager from the Conservancy, two managers from the USFWS San Francisco National Wildlife Refuge Complex; and one regional manager and one staff person from DFG.

The Center recommends the addition of the following advisory (i.e. non-voting) participants to the PM Team:

- A full-time Executive Director
- A Lead Scientist (also recommended by the NSP)
- An ongoing adviser from one or both of the major local flood management agencies in the South Bay
- A local government and legislative liaison
- A collaborative planning coordinator
- A representative of the U.S. Army Corps of Engineers (Corps)

Roles/Responsibilities: Overall leadership for the planning process, responsible for all components of the planning effort, including but not limited to: scientific assistance and review; overall plan design; public participation and outreach; public policy impacts and analysis; budgeting and funding; dispute resolution; integration of the planning process with flood management, public health, and regulatory entities; and state and federal legislative and local government relations.

EXECUTIVE COUNCIL

Composition: High level administrators from local, state and federal resource and regulatory agencies involved in wetlands and watershed management, regulation, planning or research.

Role/Responsibilities: The Executive Council will be an important Bay Area-wide forum to address any policy or regulatory disputes that may be impeding progress on the development of the South Bay restoration plan. Specifically, resources and regulatory agency representatives on the Executive Council will work with the PM Team in providing "early warning" on any emerging policy or regulatory disputes. Should any of these disputes remain unresolved at the PM Team level, the regulatory members of the Executive Council will resolve these disputes directly with the ELG.

REGULATORY and TRUSTEE AGENCY PARTNERS GROUP

Composition: Staff of local and other regulatory agencies with permitting authority for the restoration plan.

Role/responsibilities: Ongoing staff support to the regulatory agencies involved in the plan development. This includes "early warning" for the PM Team and any public work groups established as elements of the restoration plan. Agencies in this group should commit to providing staff support to the public stakeholder Work Groups (described below).

NATIONAL SCIENCE PANEL

Composition: National and locally-recognized experts familiar with large-scale wetlands restoration efforts and knowledgeable about application of adaptive management protocols and long-term monitoring.

Role/Responsibilities: High-level science oversight to the overall planning process and periodic review of local technical investigations pertaining to the restoration plan design.

SCIENCE TEAM

Composition: Core advisory group and larger team of scientists, who may be drawn from the original Technical Committee Request for Qualifications issued in the spring of 2003.

Role/Responsibilities: Under the direction of the Lead Scientist, provide technical support, knowledge-building, and peer review support to the PM Team, Stakeholder Forum (described below), and Work Groups. In addition, the team will assist the Stakeholder Forum in providing high-quality, scientifically based input to the PM Team on elements of the plan. The team will function in a technical advisory and peer review role and will be prohibited from participating on any consultant teams that are hired to design elements of the plan and/or undertake environmental compliance work.

CONSULTANT TEAM

Composition: All technical consultants who will be hired to carry out the PM Team's restoration alternative design, modeling, and environmental compliance activities.

Role/Responsibilities: Design of the restoration plan and preparation of all environmental compliance documents, including, but not limited to, National Environmental Policy Act (NEPA) /California Environmental Quality Act (CEQA) documents, biological assessments, federal Clean Water Act Section 404 and 401 permit applications, State Streambed Alteration Agreements, State Historic Preservation Officer requirements, and similar reports. Consultants will work under the direction of the PM Team. Consultants are charged with the following activities: 1) Overall restoration plan design and modeling, 2) Data management and monitoring, and 3) Specific technical investigations requested by the PM Team and Lead Scientist.

LOCAL GOVERNMENT FORUM

Composition: One elected member from each city adjacent to the Project area, one Public Works, Environmental Services or Planning Director from each adjacent city and representatives from the PM Team and the Stakeholder Forum.

Role/Function: Periodic dialogue and updates between local governments, the PM Team and Stakeholder Forum on the progress and milestones of plan development. Creation of

this Local Government Forum does not preclude participation of a local elected officials or high level local government public works staff on the Stakeholder Forum.

STAKEHOLDER FORUM

Composition: Stakeholders with a demonstrated long-term, ongoing interest in the restoration plan and in the South Bay shoreline. Comprised of approximately 25 members representing the following categories:

- Local Business
- Environmental organizations
- Public Access /Recreation
- Public Infrastructure
- Community advocates and institutions
- Flood management
- Public Works/Public Health
- Local, State and Federal Elected officials

Stakeholder Forum Selection: The PM Team will be responsible for appointing the Forum's membership through an expedited application process. In addition, it is anticipated that not all categories of interest groups will have equal representation. Determination of what the proportions should be for each interest group will be determined by the PM Team.

Role/Responsibilities: To provide ongoing, high level, publicly derived input to the PM Team on three major components of the restoration plan: habitat objectives and actions, types and levels of public access, and integration of flood management and habitat. This input will be used by the PM Team as the basis to provide feasible and substantive design and plan management direction to the separate Consultant Team (as described above). Additionally, some Stakeholder Forum members will be asked to chair Work Groups (described below).

STAKEHOLDER FORUM WORK GROUPS

Composition: Members of the Stakeholder Forum, agency staff, and other interested members of the public. Each Work Group will be chaired by a member of the Stakeholder Forum. The Lead Scientist will assign Science Team members to the appropriate Work Groups on an as needed basis to ensure scientific consistency in Work Group discussions and advice. Every Work Group should include a representative from a local regulatory agency (EPA, BCDC, RQWCB, or USACE).

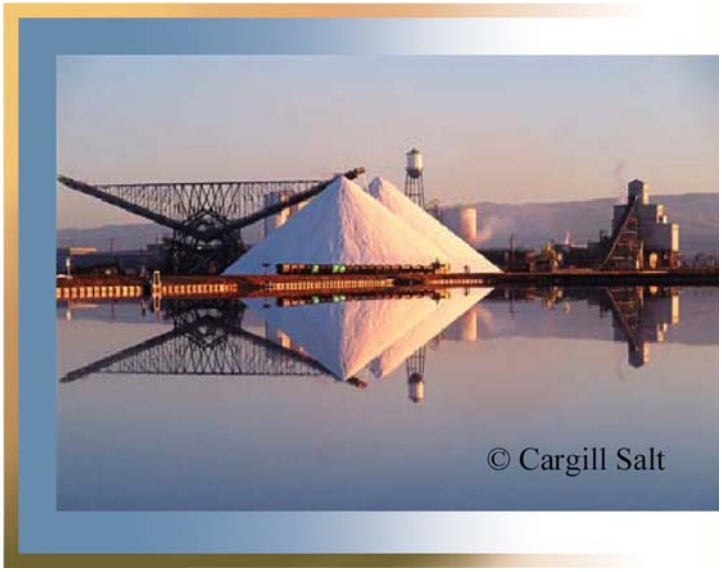
Role/Responsibilities: The Work Groups will support the deliberations of the Stakeholder Forum. The Work Groups will engage in detailed, open public discussions of specific elements of the plan development. Suggested Work Group topics include: Habitat and Habitat Mix; Flood Management Integration; Public Access/Recreation; and Funding and Long-term Project Implementation. It is likely that additional Work Groups will be formed on an as-needed basis.

INTERESTED GENERAL PUBLIC

Detailed recommendations for the general public are outlined in the *Public Outreach Strategy*, published in partnership with this report, but under separate cover.

II. Project Background

Commercial salt ponds in the San Francisco Bay date back to solar salt making operations that began shortly after the Gold Rush. Over the years, the operations grew to cover most of the tidal wetland areas, and by the 1960s Leslie Salt owned 50,000 acres of salt ponds around the San Francisco Bay. In 1978, Cargill Salt, a division of the Cargill Corporation, bought the ponds from Leslie Salt. In October 2000, Cargill proposed to consolidate its operations and sell lands and salt production rights on 61 percent of its South Bay operation area. Negotiations headed by Senator Dianne Feinstein led to the signing of a Framework Agreement setting forth the understanding of the parties for public acquisition of these South Bay salt ponds, along with 1,400 acres of crystallizer ponds along the Napa River. A Conveyance Agreement and Phase-Out Agreement were signed by Cargill, the Department of Fish and Game, and U.S. Fish and Wildlife Service in January, 2003, and escrow closed in March of 2003. "This historic Framework Agreement set in the motion the largest wetlands restoration undertaken in California history," said Senator Feinstein.



The acquisition and restoration of the South Bay salt ponds has long been a goal of state and federal legislators and resource agencies, and non-governmental organizations working to protect the San Francisco Bay. However, restoration and management of the South Bay salt ponds presents scientific, technological, and social challenges. Restoration will involve many complex issues such as determining the desired mix of managed pond and tidal marsh habitat, the availability of sediment, designing flood management structures, protection of existing infrastructure, and controlling invasive plant and animal species. Additionally, ecological and habitat goals must be balanced with human needs, such as wildlife-oriented recreation. Currently, recreational anglers, kayakers, canoeists, birdwatchers, nature photographers, hikers, bicyclists, hunters, environmental educators and their students, and tourists from around the world frequent the San Francisco Bay wetlands. The South Bay salt ponds offer potential similar recreational opportunities.

To structure the long-term restoration planning process, the Project Partners conducted a stakeholder and organizational assessment to elicit the community's issues and concerns (both substantive and procedural) regarding the restoration Project.

The assessment process is an important early step in the overall restoration planning process of designing wetlands and recreational facilities at the South Bay Salt Ponds sites. The interview process provides key stakeholders with an opportunity to speak candidly about the Project and their concerns.

III. Description of Assessment Process

A professional, neutral facilitation team from the Center worked with the Project Partners to identify a limited number of individuals representing key stakeholder interests to participate in the assessment process. With limited funds and time to complete the assessment, the process of narrowing the list of potential interviewees was difficult. In the end, nearly seventy (70) individuals were invited to participate. As the interview process proceeded, a small number of additional individuals were identified and invited to participate based on recurring recommendations from other participants. Appendix A provides a list of the individuals who participated in an interview or provided responses in writing.

To help guide the interviews, the Center and the Project Partners collaboratively developed an interview questionnaire (Appendix B), which was provided to participants prior to the actual interview. The questionnaire covered the following topics:

- Who should be involved in developing the restoration plan and what are appropriate roles for different participants;
- Identification of the major issues requiring resolution;
- Stakeholders' goals, objectives, and general visions for the Project;
- Historic and current, interpersonal and organizational relationships among stakeholders;
- Appropriate public participation and outreach techniques for the various stages of the restoration planning process;
- Roles of local government in the planning process;
- Identification of what, if any resources, stakeholder organizations can provide to the Project;
- Discussion of appropriate decision-making and governance tools for the Project; and
- Potential barriers to a successful outcome.

In addition, the questionnaire was made available on the Project's website for the public to review and complete. One response was received from the website.

All interviews were confidential; specific comments made by individuals were not reported back to the Project Partners. Rather, the results were summarized and information gathered through the assessment has been qualitatively evaluated to identify key assessment themes and to develop draft recommendations.

IV. Assessment Findings

Introduction

This section summarizes responses to the questions in the assessment interviews. Responses are grouped by category, consistent with the following categories from the interview questionnaire (Appendix B):

- General Restoration Project Goals and Objectives;
- Restoration Planning Process Design;
- Public Participation and Outreach during the Planning Process;
- Specific South Bay Salt Pond Technical Issues and Questions; and
- Role of Independent Technical Specialists.

While these findings are not quantified in a typical survey-type format, emphasis is given to responses reflecting collective interest and concern of the interviewees. In addition to general responses to questionnaire topics, several interviewees also provided specific suggestions to improve Project-related conditions. Appendix C presents these suggestions. The interview findings are presented below.

A. Guiding Principles, Goals, and Objectives

Guiding Principles

- Overall, the Guiding Principles are sound and encouraging in their breadth and represent careful thinking by the Project Partners.
- Most respondents asked, "How will the plan balance habitat and public access?"
- A large number of respondents believe that public access should be a guiding principle. In their opinion, public access is critical to maintaining and building public support for the project over time.
- Most respondents expressed support for flood protection steps and stressed a strong need for a guiding principle about the provision of flood protection. The respondents understand and support the integration of flood management with restoration objectives.
- Principle #3 "Numerous federal, state, and local agencies are partners in the Long-Term Restoration Plan and their views are considered fully," should be

expanded to include community members, non-governmental organizations (NGO), and business interests.

- Principle #7 "Development of the Long-Term Restoration Plan will consider costs of implementation and monitoring so that planned activities can be effectively executed with available funding," should be re-crafted to emphasize the crucial importance of obtaining long-term funding.

Overarching Goals and Objectives

- Overwhelmingly, respondents observed that the objectives are comprehensive and well framed, though opinions differed as to which were more important than others.
- Many participants stated that the goals were good overall, but that they need to be seen within an ecological context of the entire San Francisco Bay. They further stressed that the Project is not simply a matter of scaling up from series of smaller projects but rather is itself a major restoration program. This fact does not come through yet as the objectives are currently written. Several respondents referred to the *Habitat Goals Report* as a valuable baseline for assisting in the development of restoration plan objectives.
- Some participants expressed concerns about an overemphasis on tidal salt marsh at the expense of non-tidal marsh.
- A small number of respondents stated that objectives should more explicitly link water quality and urban run-off issues, as there is a strong potential for mutual benefits for habitat and urban water quality improvement by doing so.
- A few respondents expressed a need for an explicit objective about the economical, cost effective implementation of the restoration plan.
- Most respondents expressed a strong need for connectivity of habitats, including linking wetlands with uplands, and a strong need for the restoration design to allow future expansion of wetlands and acquisition of additional ponds.
- A few of the more technically oriented respondents stated that the objectives need to provide operational performance measures and indicators.
- Many individuals expressed a need for the objectives to identify a temporal scale for the Project.
- Several respondents stated that the issue of *Spartina alterniflora* control and/or eradication needs to be coordinated among all involved agencies.
- In general, respondents expressed an awareness of the missions of the two landowning Project Partners and raised concerns about potential differences in management style and objectives between USFWS and DFG.
- A number of respondents expressed concern that the Project Partners would back away from a meaningful commitment to public access.

B. Restoration Planning Process Design

Comments in this category covered a number of important project organizational matters. Findings are presented on the overall organizational structure, specific roles within the organizational structure, resources required for the overall

planning process, and general comments and/or concerns about the Project and/or Project Partners.

Overall Organizational Structure

The following responses were based on the original organizational structure (presented in Appendix B) for the Project, which has been refined since the assessment interviews were conducted.

- Most respondents observed that the structure (as depicted in the original organizational chart presented in Appendix B) does not show where or by whom the actual restoration design work is being done or what the outcome of the restoration work is. Many respondents asked, "Where does the buck stop?" and "Who is in charge and who is making the decisions?" Related to this point, many asked who would be in charge of communicating with the general public about Project-related information and news.
- Most respondents asked how the general public would be involved in decision-making and observed that the structure does not facilitate project implementation.
- Most governmental agencies, and many other respondents, believe the Project Management Team needs to have clear decision-making authority. Many respondents asked what the role of the Executive Leadership Group is and who will sit on the group.
- A limited number of respondents observed that the Bay Conservation and Development Commission (BCDC) should serve in multiple capacities within the structure.
- Many respondents asked how the structure presents clear project milestones and ensures accountability. To the extent the project will require implementation funds, the public and elected leadership need to know when to expect progress.
- Nearly everyone interviewed expressed a strong need for clarity on how Project committees will operate, how often they will meet and what the duration of the committees would be.
- Most technically oriented respondents suggested that the Project Partners should think of the Project as a restoration program, not just a restoration plan. As such, many interviewees believe that it is important to get regulators and planners together early and often. When you think of this project as not just a planning process but as an ongoing program, then public input is both an input, and an outcome.
- Almost all interviewees stated that they want science to provide guidance about what is feasible within the restoration effort. Many observed and advocated that the Project should turn into a national research program, a regional recreation program, and/or a major educational program.
- Many participants asked if there is going to be sufficient resources (funds and staffing) to complete planning and move into implementation. The Project Partners should have a contingency plan for what to do if project financial support evaporates in the future.

Specific Roles within Organizational Structure

Project Management:

- Many respondents expressed concern that the Conservancy is not as strong technically as they are in public process and project administration.
- Many respondents observed that most of the technical talent/experience appears to rest with consultants, which might present future problems.
- There was a widespread concern that the process might produce endless studies and no tangible outcomes.
- Several respondents wanted to know who the actual "Project Partners" are since the guiding principles show all agencies as partners. Many respondents are not sure how local government and the regulatory community will be "partners".
- No one person is clearly and obviously in charge of the overall project. There is a need for a strong project manager who can constantly be thinking of the big picture and of trade-offs.
- Some respondents expressed the need for the Project to identify someone or some core group that is tasked with reminding everyone of the strategic imperative of thinking ahead to alternate funding contingencies. This issue points out the importance of having potential future funding entities more actively involved in the decision-making hierarchy.
- Some respondents expressed concern that the process is missing a core design team that will provide design expertise and will interface with the Project Management Team (PM Team) (as described in Section VI).
- Still others were concerned about the lack of information about the interim operations and management of salt ponds.
- Overall, respondents support the PM Team and believe they are doing a good job. However, a preponderance of responses addressed the perception that to date, there is a lack of clear messages from the PM Team about how decisions will be made and who will be involved in decision-making. A few respondents thought that the PM Team does not have sufficient resources to adequately oversee a project of this size and scale.

Flood Management/Regulatory Agencies' Role:

- A number of diverse respondents expressed concerns about the ability of DFG and USFWS to adequately manage the dikes and levees of the salt ponds. These respondents also expressed a desire that these partners quickly secure resources, expertise, and partnership with local flood management agencies to ensure inclusion of the necessary expertise on the team. Flood management cannot be placed in an isolated box within the organizational structure.
- Some respondents said the U.S. Army Corps of Engineers (Corps) can and should play a significant role as a potential funding source for project implementation. However, many expressed concern that the Corps' involvement may result in potentially significant time delays.
- Many stated that the regulatory agencies should not be put in an isolated box within the organizational structure and that instead regulatory interests should be integrated.

Executive Council's Role:

- The role of the Executive Council was unclear to many interviewees. Some saw the Executive Council as a "safe" place where regulatory agencies and the Executive Leadership Group can get together. Others thought it was very important to keep BCDC and the San Francisco Bay Regional Water Quality Control Board (RWCQB) at the table.

National Science Panel's Role:

- Several respondents stated that the National Science Panel (NSP) must include experts with on-the-ground restoration experience, not just scientific expertise; otherwise the credibility of the NSP is at risk. Others expressed a need for local expertise to be on the NSP.

Technical Committee's Role:

General Concerns/Comments

- Many respondents are concerned that the Project will study issues at length and never make any substantive decisions. There has to be explicit direction and time limits provided to the technical specialists about specific scientific questions/investigations/aspects of the plan development that they comment on.
- Some individuals expressed reservations about the appropriateness of involving some of the potential Technical Committee members.
- A number of NGOs expressed interest about how they will provide "meaningful participation" on the Technical Committee.
- Several respondents commented that the Technical Committee's financial compensation is too low for what they are being asked to provide.

Need for Independence

- Most respondents agreed that the Technical Committee and the National Science Panel both need to have as much independence as possible; the separation of science and policy is desirable.
- Many respondents would also like to see the Technical Committee as influential as possible.

Expertise Needed

- Several respondents said the Technical Committee should stay "above the fray" and provide fresh perspectives and that the committee's investigations have to be balanced so they are not perceived as addressing special interest concerns only.

Role/Functions

- Many respondents are not clear if the Technical Committee is actually doing the restoration design work or reviewing work produced by some other group.
- Others stressed that the Technical Committee should provide peer review of each plan component at certain milestone points and that the Technical

Committee should do preliminary review of restoration design scenarios before public review.

The Use of Neutral Facilitation

- A large majority of respondents supported the use of neutral facilitation in the planning process assuming the facilitators are adequately educated on the issues.
- Many respondents recommended the use of facilitation for the PM Team and for any multi-party advising efforts involving the public.
- Some respondents pointed out that smaller work groups would need to function on their own and without facilitation due to funding constraints.

Level of Resources Required for the Planning Process

Most respondents are concerned that the $10 million budget is too small to guarantee successful planning. Others think the current planning budget is adequate. To reiterate the concern that more money is needed, some respondents provided the following examples of other planning projects:

- PG&E is spending $1 million on each Habitat Conservation Plan (HCP) for each of its Bay Area facilitates. Each of these efforts includes limited public involvement;
- San Francisco International Airport (SFO) spent $74 million on outreach and planning for their proposed runway expansion;
- Bel Marin Keys Unit V Expansion of the Hamilton Wetland Restoration Project (2,600 acres) cost $5-6 million for planning; and
- Estimates for the Coyote Valley HCP process range from $5-25 million.

C. Public Participation and Outreach during the Planning Process

Who Should Participate?

- Many respondents emphasized that the only way the Project will succeed is if there is public support for ongoing resources and that public support is only possible if there is a public sense of ownership of the planning process. In addition, although different stakeholders may weigh in at different points in the process, respondents believe it is important to keep everyone apprised of key decision points to avoid the appearance of favoritism.
- Many respondents expressed concern about how the Project Partners will handle tough decisions and how such decisions will be communicated to the public. Related to this point, some respondents questioned the ability of the Project Partners to actually "partner" with the public.
- Respondents stated that parties having a vested interest in issues directly linked to the DFG and/or USFWS missions must be involved. This includes local and regional environmental organizations, recreation groups, local governments, flood control, vector control, environmental justice groups, park districts, transit infrastructure, business groups, and private and commercial fishermen.
- Some respondents urged the Project Partners to consider including future clients/financiers of the Project such as the Corps and other large

infrastructure organizations such as railroads, CalTrans, airports, and port authorities.

- On the other hand, some of the stakeholders who expressed concern about a potential lack of local community participation were also concerned that the project is too closely linked to potential project mitigation interests (e.g., SFO).
- Many respondents expressed support for inclusion of local scientists from institutions like California State University San Jose, U.S. Geological Survey, Stanford University, University of California Santa Cruz, etc.
- A number of respondents urged the Project Partners to include adjacent business interests and homeowners that may be concerned about flooding and vector control and who could oppose the Project if they are not included in the process.
- Some respondents expressed concern that the planning process was lacking participation from lower income communities like Alviso or East Palo Alto. There are major issues of public access that the stakeholders from these communities will want to have addressed.
- A number of respondents emphasized the need for the Project Partners to reach out to non English-speaking communities in the South Bay, especially Vietnamese and Spanish speakers.
- Many respondents expressed concern that bike trail and hiking groups might be overlooked.
- Most respondents stressed the need to include the regulatory community, vector control agencies, wetland biologists, hydrologists, and soil specialists early in the process.

Role of Stakeholders

- For the most part, stakeholders see themselves playing an advisory/consulting role on the Project, providing input and helping decision makers reach solutions and distinguish between alternatives. There is recognition among many of those interviewed that the design process will mediate between "perfect restoration and perfect public access" and stakeholders can help identify "opportunities for reaching compromises" to assist decision makers in developing a "real world" plan. Similarly, many see a role for stakeholders in helping to build public support for the Project.
- There is interest in creating ownership among various interests by keeping them engaged throughout the process. Some interviewees expressed interest in wanting to legitimize their role by voting on various proposals.
- Some respondents stated they view the Santa Clara Valley Water District (SCVWD) more as a participant than a "stakeholder".
- A number of respondents suggested that the Project Partners ask larger stakeholder groups like water districts and infrastructure agencies to fund NGO technical expertise.
- Others recommended that the Project Partners look at the San Francisco Estuary Project Comprehensive Conservation Management Plan process as a model, during which the public advisory committee voted on 144 actions. Everybody felt they had input in that process.

- Respondents expressed some concern about the consistency of stakeholder participation over time and how to address this issue.

Types of Public Participation Activities

- Stakeholders are interested in seeing a variety of different methods used to reach the public, including media coverage with an emphasis on visuals, site tours, public workshops, conference calls, web site access, electronic newsletters, tabling at conferences, Congressional staff briefings, phone surveys, focus groups, design charettes, presentations to community groups, opportunities for online comments, and benefit concerts. There is a desire for public workshops to be scheduled at times and locations and in enough communities to make them easy to get to and that the process "looks, feels and smells, like everyone's opinion is important." Any special treatment of any interest group "is very destructive."
- Respondents would also like to see periodic project status reports and visual displays of the planning process and key milestones.
- Respondents are also concerned about too many big meetings with limited opportunity for real involvement. Some expressed interest in working with local cities and local school districts to take workshops deeper into local neighborhoods where there may be little or no awareness of natural resource issues. Others feel that online communication is a better alternative and that meetings should only be used to address specific issues (e.g. infrastructure and flood management).
- There is interest in having public outreach extend to the whole San Francisco Bay not just the South Bay, and for presentations to include information about the restoration project's contribution to the entire Bay ecosystem. Many expressed the need to get engaged with local governments (Hayward, Union City, East Bay Regional Parks, etc.). Some suggested finding outreach opportunities linked to interpretive/recreation venues/tools.
- A number of respondents stressed the need for more involvement from the Alviso community since there is great distrust within the community for outside agencies like the City of San Jose.
- A number of respondents stated that there has been poor communication to date about the Project to the local general population.
- Several respondents warned the Project Partners not to create different groups for different stakeholders and that doing so "makes people mad and then you can't get them back."
- A number of respondents expressed concern that a vocal active minority in the Bay Area could overwhelm the majority of project participants.

Lessons Learned

- Many respondents had experience in public policy processes of one sort or another.
- A number of respondents commented that the Conservancy has a good track record in sponsoring good public participation experiences.
- The most successful public participation experiences occurred when:

  - Parties were able to state their interests from the beginning and then dialogue with others;
  - Communication between lay people and technical staff occurred;
  - Expectations were made clear and the parameters of decision making were well defined;
  - Meaningful information was provided and meaningful input was solicited;
  - Early education and cost information was provided to the stakeholders;
  - Everyone was respected;
  - Small groups could work on issues as appropriate;
  - The process adhered to an established timeline;
  - There was strong leadership and a commitment to balancing competing objectives. This helped to keep each stakeholder group focused on the issues;
  - There were multiple opportunities to participate in all geographic areas;
  - People had "homework" to do and responsibilities between meetings;
  - There was good facilitation; and
  - The public workshops were engaging and local schools were involved.
- Respondents' worst public participation experiences occurred when:
  - Endless subcommittee meetings were held and too many documents generated;
  - Lots of time was invested by stakeholders and there was very little to show for it;
  - People failed to show up for meetings;
  - Unmediated free-for-all discussions took place; and
  - Educational briefings for the stakeholders were insufficient.
- Some respondents specifically mentioned concerns about the "Balkanization" among interests in the Bay Area that made consensus building really difficult. Other respondents mentioned the damage done to public participation when decisions are made behind closed doors, or when the conveners change the rules of participation midstream.

Types of Public Outreach Materials

- Many respondents stated they would like to see basic information about the Project as well as technical reports and graphics on the web site.
- There is concern that public outreach materials should be commensurate with the level of detail appropriate for different audiences. Some stakeholders suggested a tiered approach to public outreach: a core group, which would receive all technical information, a group of interested parties who would not receive technical information, but would receive status reports and newsletters and a third tier of general public who would receive information via the web site and news articles. Another stakeholder suggested that a library of materials be made available to everyone. Stakeholders expressed interest in distributing educational kits about the

project to local teachers. Videos and interactive exhibits were also recommended for schools and other community groups.

Engaging Local Government

- Many respondents agreed that local governments are critical to the success of the restoration plan development and that the Project Partners need a focused strategy to keep them informed and engaged in the process.
- Many respondents suggested a regular schedule of presentations and updates for county boards of supervisors and city councils as well as the Association of Bay Area Governments (ABAG) Regional Planning Committee and water and flood control agencies. It was suggested that these presentations could be made by a variety of stakeholders, not just agency staff.
- Several respondents suggested that local governments need to be updated through annual or twice yearly elected official forums and that key staff from public works and flood management could also be included in these larger meetings. Stakeholders also recommended site tours as another important aspect of outreach to local elected officials.
- In addition to group presentations and forums, respondents also recommended that project staff conduct one-to-one meetings with local elected officials and staff.
- One respondent wanted to see an elected official on whatever advisory committee is created.
- Cities and counties were seen by a number of respondents as a potential source of funding for the project. (It was noted that not all counties have equally available resources).
- Some respondents expressed concern that local governments would be likely to pursue hunting restrictions on the ponds since the hunting constituency doesn't necessarily come from local communities.
- Many agreed that the Conservancy is going to need more assistance to cover public outreach.

Role of the Media

- Respondents had mixed views of the media and its role. Some advocated minimizing the media and were concerned that public opinion alone should not drive the process, while others stressed the critical necessity of major media coverage. Some respondents emphasized the importance of the project "helping the media help communities" by being consistently proactive to avoid giving the media an opportunity to create "negative spins."
- A number of respondents stated they thought that the media coverage to date had been good, while others were concerned about the negative recent press about the sale price of the salt ponds. That experience led respondents to point out the importance of developing a communication plan with milestones to counteract negative press.
- Some respondents cautioned that environmentalists will "take the initiative" if the Conservancy doesn't provide strong media outreach.

- Many respondents stated that all meetings should be open to press.
- A number of respondents made specific suggestions regarding reporter contacts and possible story ideas. (These suggestions are included in the recommended Public Outreach Strategy (companion document to this report)).
- Most respondents agreed that the Project Partners needed to foster good project coverage to keep the public well informed. A number of respondents pointed out the importance of using the media to constantly engage new people over time, since the planning process will take place over many years.
- A number of respondents suggested the need for regular brown bags with reporters and editorial boards. Additionally, a number of respondents expressed the need for the project to have someone specifically in charge of media strategy.

D. Specific Technical Issues and Questions

- Most participants found the list of key technical issues (included in Appendix B) to be complete. However, several individuals felt that various issues should have greater emphasis
- In particular, one issue that some participants felt should have more emphasis is the impact of introduced species on restoration feasibility. These participants feel that costly restoration efforts should not be considered if introduced species (*Spartina aleniflora* in particular) can not be controlled and that the issue, as currently stated, does not accurately address the decision making sequence that should occur before full scale restoration efforts are initiated.
- Similarly, some individuals also felt the list does not adequately address the overall feasibility of tidal habitat restoration and the need to incrementally proceed with restoration efforts in a cost and time effective manner such that pilot-scale projects are attempted first before investing in larger, more costly efforts.
- Additionally, some participants agreed with the list that sediment and associated water quality is a concern but that the issue as currently stated is not specific enough with regards to mercury contamination and associated potential remediation.
- A small number of participants felt that vector control and the integration of vector control with restoration design should be emphasized.
- A similarly small number of participants suggested that the urban/natural interface and associated relationships, such as people in the restored natural environment, site-related odors, and other physical effects on adjacent populations should receive greater consideration.
- A few participants also proposed that the integration of flood management and flood protection into the design and planning effort needs greater attention.
- A few additional issues that were deemed missing by a very small number of participants included the technical aspects of public access design and the related challenges of including the public in such design efforts, cultural resources management and protection, and broad scale spatial and temporal

factors such as habitat/pond sizes and the timeframe in which restoration will occur.

E. Role of Independent Technical Specialists

Integration of the Technical Committee into the Planning Process

There was little agreement and no majority opinion among respondents on this topic. Several individuals had specific recommendations. Many others did not have recommendations, but rather, specific concerns that they felt should be addressed. Concerns included the following:

- There needs to be a way to control conflict and reach agreements between Technical Committee members, as there will be strong personalities that need to be managed.
- Proposed level of compensation to prospective Technical Committee members is not adequate and acts as a deterrent to their involvement.
- There needs to be a way to include fresh perspectives and not become focused on the same personalities that have been traditionally involved in Bay Area ecological discussions.
- Some respondents said it is unclear to them whether the Technical Committee is doing any design work, if it is primarily a review entity, and how it would be distinguished from the PM Team.
- Other respondents stated it is unclear who is supplying the science and said further that there is a need to determine whether the Technical Committee is responsible for early scientific review or whether they should be involved with implementation-level efforts that will guide monitoring studies and adaptive management decisions.
- Finally, other respondents stated it is unclear exactly who will develop questions for the Technical Committee and who will decide what is appropriate for the NSP to review instead of or in addition to Technical Committee involvement.

Use of Consultants in the Planning Process

- Many participants were very concerned about perceived or real conflict of interest regarding the use of consultants. Most participants strongly advised that any parties considered for employment should have no involvement in developing their respective scopes of work and that once a consultant (whether private, NGO, or academician) is hired, that entity loses any "independent" status they formerly held.
- Some participants advised that the process should publish an upfront policy on conflict of interest to avoid public lack of confidence.
- Similarly, a majority of participants advised that consultants should have an advisory role only and that they should not be decision-makers, nor should they have any role that could be construed as a governance function.
- Somewhat conversely, a small number of participants felt the PM Team needs a core of dedicated consultants working directly with the PM Team and other agency staff as a team.
- Some participants strongly advised that the PM Team should develop specific lines of authority and tight methods of consultant management and

accountability to ensure that consultant expenditures are appropriate and that there are clear rules of engagement regarding who consultants work and communicate with (including but not limited to the Technical Committee and the general public).

Role of National Science Panel (NSP) in the Planning Process

Close to a third of the participants were either not aware of the NSP and/or had no opinion on their role. Participants that did respond provided the following findings:

- A number of participants view the NSP as a tool to provide peer review of design recommendations.
- A smaller number of participants stated that the NSP should provide high-level scientific dispute resolution and/or advice to the ELG to help inform ELG dispute resolution.
- Similarly, some participants described the NSP as being instrumental in determining and advising on potentially necessary "trade-offs" on design elements in the future. Some respondents found the NSP analogous to the National Oceanic and Atmospheric Administration (NOAA) science panel convened for the San Francisco Airport project and encouraged a similar role.
- Some respondents view the NSP role as being very broad, oriented on assessing and advising on goals and objectives, technical methodologies, and the overall validity of the design and planning process.
- Conversely, several expressed concern about the efficacy of the NSP to provide substantive advice on Bay Area specific issues. These include a concern that the NSP will have limited or inappropriate knowledge of physical functions of the Bay system (relative to other systems in the country), and that they will have limited knowledge of social and cultural factors that are unique to the Bay Area and California.
- Lastly, a few participants expressed confusion about the difference between the role of the NSP and the Technical Committee.

V. Analysis of Findings

Introduction

The purpose of the stakeholder assessment was to surface stakeholder issues and concerns about the Project and to assess whether the Project would lend itself to a collaborative planning process. The Center analyzed the findings in light of the conditions that the Center considers essential for a successful collaborative planning process and outcome. These conditions include the following:

- There are multiple opportunities to create mutually shared value and potential areas of agreement,
- The primary parties are identifiable and willing to participate,
- Each party has a legitimate spokesperson,
- There is a relative balance of power among the parties,
- There is external pressure to reach agreement,
- Primary participants share an investment in long-term, cooperative working relationships, and
- There are adequate financial resources to carry out the collaborative process.

The Center has concluded that the Project meets all of these conditions, with the possible exception of the final condition pertaining to funding resources. The following section provides a detailed rationale for the Center's conclusion. Discussion regarding funding challenges is embedded in this analysis and in the recommendations to the Project Partners (Section VI).

Analysis is provided below for each category of findings, and concludes with a summary that provides the basis for the Center's recommendations presented in Section VI.

A. Guiding Principles, Goals, and Objectives

Most stakeholders support the Guiding Principles. However, comments about flood protection, public access, and broader community involvement reflect a larger concern that the restoration project will not accommodate the interests of adjacent landowners, local communities, and interest groups. These interests include public safety and well being, and the need to have an influence on the ultimate plan. Several stakeholders anticipate that ecological benefits will occur as a result of salt pond restoration but ecological benefits do not necessarily fulfill these local interests. Local stakeholders want tangible commitments from project proponents that local interests receive equal

recognition to other interests and that local participants have equal influence in the planning process.

Regarding the goals and objectives, while there is overall support, there is also a concern about the perceived magnitude of the South Bay restoration effort. Many stakeholders believe that South Bay restoration efforts should be integrated with the ecological health of the entire San Francisco Bay. This likely reflects the value systems of several like-minded stakeholders that ecological health and ecological degradation cannot be segregated into small units but rather, they are reflective of a holistic system. It is unclear whether the proposed restoration effort can or should financially and temporally integrate this philosophy but it should be considered and addressed early in the planning process.

Another concern among stakeholders regards the potential incompatibility of Project objectives. Many stakeholders are concerned with how the Project Partners will address this incompatibility. This uncertainty reflects the strong need of stakeholders to understand how the Project Partners will address and resolve difficult decisions, and how the public will be included in these deliberations. Many stakeholders interviewed have a pragmatic opinion about these incompatibilities and realize that "trade-offs" will be necessary to achieve an implementable restoration plan. Creating a planning process that accommodates the concept of negotiated "trade-offs" is advisable.

A final overarching issue raised about the Guiding Principles and the goals and objectives regards funding needs and constraints. Stakeholders recognize that the long-range security of South Bay restoration efforts is dependent on long-term funding and that such funds are not necessarily available. The underlying message is that the general public has an awareness of a critical constraint and that the planning process should capitalize on this awareness by creating partnerships to address the constraint. Through the development of such partnerships, there is greater likelihood that funding constraints can be minimized. Isolating the public from the decision-making process will not minimize potential funding constraints but will minimize opportunities for long-term funding solutions.

B. Restoration Planning Process Design

The planning process needs significantly improved clarity about decision-making, communication, and work responsibilities. Stakeholders want publicly accessible, detailed descriptions of the roles, responsibilities, decision-making rules, decision points, lines of communication, and hierarchies for every element of the planning process. Similarly, stakeholders want to understand who is leading the planning process. This reflects an understandable desire to ensure the accountability of all participants and all activities in the South Bay restoration effort.

On a related topic, stakeholders need to know where they "fit" in the planning process. As discussed in the previous analysis of the restoration plan goals and objectives, there are opportunities to create successful partnerships between the Project Partners and stakeholders, and between specific and potentially differing stakeholder communities. However, these partnerships can only be realized if stakeholders see where they fit in the process. Absent that clarity, it is unreasonable to assume that stakeholders will dedicate their limited resources to a process that does not try to accommodate their interests in an open, balanced manner.

For the most part, stakeholders want integrated discussions by diverse parties to take place throughout the planning process. There is a compelling need to avoid isolation of interests and to ensure that the public speaks directly with technical specialists, technical specialists speak directly with regulators, flood managers speak directly with funding entities, and so on. This reflects the increasing experience of most stakeholders that isolation of interests during planning efforts usually leads to competing interests at the end of the process, rather then the development of mutually shared interests. Therefore, the planning process should accommodate every stakeholder integration opportunity possible.

A somewhat converse response, however, regards the role of consultants in the planning process. Stakeholders are not averse to the use of consultants and in fact most stakeholders recognize the need for consultants in the process. However, some stakeholders also expressed considerable concern that consultants should be closely managed and that they not play a leadership and decision-making role in the planning process. This reflects stakeholder experiences and/or assumptions that paid consultants may co-opt a process to accommodate self-interests (i.e., financial interests, philosophical interests, etc). The planning process should therefore, have distinct lines of authority, communication, and decision-making between the Project Partners, stakeholders, and consultants.

Regarding the role of the NSP and scientists in general, many stakeholders want the NSP to provide independent, critical analysis of the planning process and want a similar role for scientists. The fundamental difference is that while the NSP is universally considered an independent advisory body, other scientists are expected to provide independent analyses and opinions but are also expected be part of integrated discussions with other stakeholders (as described above). Similarly, technical specialists are expected to work at the direction of the PM Team and at the behest of stakeholders. To achieve this balanced role will require thoughtful, specific descriptions of technical responsibilities and milestones to ensure that scientific specialists can seamlessly move between an independent, and integrated role.

Lastly, stakeholders were largely favorable about the use of neutral facilitators. However, they expressed concern that facilitators not overwhelm the planning effort with process steps and that facilitators need to have a comprehensive understanding of technical issues being discussed. They also expressed concern that facilitators be used judiciously at key milestones and with key groups, rather than having blanket interaction at all levels of the planning process.

C. Public Participation and Outreach during the Planning Process

Due to the breadth of questions covered in this topic, the following analysis is categorized under specific issues.

Process Participants: Ensuring local participation is the concern of most stakeholders interviewed. This reflects similar issues already described in this report and highlights the prevailing sentiment that local participation will lead to local ownership of the restoration effort and that local ownership is a key to the restoration effort's success. Local participation takes many forms including but not limited to, local businesses, homeowners, governments, community groups, public access advocates, low-income communities, and non-English speaking communities. The overwhelming support for

local participation underlies the need for a comprehensive public outreach process that has the resources and tools to effectively inform local stakeholders.

Another proposal is to include potential future financiers of the project such as agencies and large infrastructure organizations and utilities. This reflects another prevailing concern that the restoration effort lacks the resources to be sustainable and therefore requires other funding sources to ensure success. Including these proposed entities may lead to focused discussions about the different values of restored habitats (i.e., ecological, economic, etc). These discussions may be challenging and will likely require structured facilitation to balance diverse value-based interests between stakeholders.

Stakeholder Roles: Most stakeholders see their role as advisory to decision-makers. More specifically, many stakeholders want to help distinguish "real world" benefits and drawbacks of alternatives, and to create balance among differing interests. This recognition of an advisory role, in concert with the previously described need for focused leadership and decision-making by the Project Partners, should be helpful to the planning process. It supports the design of an organizational structure and decision-making protocols that allow for different roles and responsibilities at different levels in the structure.

Another role expressed by stakeholders is the opportunity to build public support and project ownership among other stakeholders. This reiterates a recurring theme that local involvement is very important to future restoration success. Lastly, a number of stakeholders support a technical expertise role for NGOs, funded by larger infrastructure organizations and agencies. Some of these stakeholders believe that some NGOs have the ability to prevent the successful design and implementation of a planning process unless they are involved but that such involvement is contingent on having resources. Conversely, there is a belief that NGO involvement will provide significant benefits to the planning process. This concern reflects two larger issues that need to be addressed in a collaborative planning process: 1) maintaining equity of participants regardless of resource availability, and 2) developing an interest-based approach to problem-solving such that the scenario described above is managed with mutually beneficial outcomes among parties committed to working together.

Outreach and Participation Opportunities: The primary sentiment of stakeholders is that public outreach must offer diverse opportunities for education and participation. This reflects the varied interests, geographic distribution, and socio-economic conditions that make up the stakeholder community for the Project. It further supports the need to design and implement a comprehensive public outreach strategy that provides a variety of events, information sources, and contacts to the public about the Project. A related concern focused again on providing local access to planning efforts; ensuring that locally affected stakeholders have equal opportunities to participate. A specific related issue is how to enhance the involvement of local elected officials and their associated governments.

Another concern regards the challenge of sustaining stakeholder participation over a multi-year planning effort. This is related to two fundamental issues already discussed in this analysis: 1) maintaining equity of participants regardless of resource availability, and 2) implementing a diverse and comprehensive planning process and outreach effort such that stakeholders can maintain their involvement and their belief that such involvement is worthwhile.

Several stakeholders expressed concern about a planning process that would seek to organize public input by aggregating like-minded individuals and groups together. This reflects previous analysis that stakeholders want significant opportunities to integrate with each other, rather than be isolated from each other. Lastly, stakeholders want assurances that all planning participants will be treated equally, with no deference to special interests and influence. This again reflects a need to design an organizational structure and operating guidelines that support a transparent, inclusive, structured planning process.

Lastly, stakeholders have mixed feelings about the role of the media. A widely held concern is that media interests will seek out negative messages and stories about the Salt Ponds. Most stakeholders prefer to consider the media a partner on outreach efforts but remain wary if this is feasible. This concern underscores the need for a transparent planning process that provides all interested parties unfettered access to Project information. It similarly underscores the need for a comprehensive outreach strategy that includes focused interaction with media representatives.

Public Participation Lessons Learned: Stakeholders had many examples of successful and unsuccessful participation efforts. In summary, stakeholders feel a pubic participation process should be:

- Dialogue-driven with equal opportunities for discussion among many interests;
- Bounded by clear expectations among stakeholders about what is reasonable and not reasonable for discussion;
- Educational and informative;
- Respectful of ideas and people;
- Structure and focused;
- A meeting place for diverse people and interests;
- An opportunity to achieve interest-based goals; and
- A forum to create shared ownership of the Project.

Understandably, stakeholders felt the converse of the above features represents an unsuccessful participation effort.

D. Specific South Bay Salt Pond Technical Issues and Questions

A minority of stakeholders are not satisfied with the current list of technical issues and want more specificity and greater emphasis provided for a small and diverse subset of these issues. Some of these concerns appear to be driven by stakeholders that have a much focused interest in a key topic area. A larger number of these stakeholders seem concerned that the current description of some issues does not adequately represent the complexity of an issue and that minimizing such an issue could result in minimizing the range of discussions and ultimate set of solutions. This concern again seems particularly important on issues related to human health, safety and welfare and specifically reflects concerns of stakeholders that planning decisions will include and protect their interests.

The stakeholders' biggest concern appears to be that inappropriate restoration decisions will be made with little financial accountability in place to ensure that anticipated restoration benefits are realized. These stakeholders mostly likely want to have a role in influencing the scale and location of restoration projects to ensure those incremental investments and subsequent monitoring and analysis of results takes place before larger

restoration costs are incurred. As with previous analyses, issues of accountability underscore the need for a transparent decision-making process.

E. Role of Independent Technical Specialists

Due to the breadth of questions covered in this topic, the following analysis is categorized under specific issues.

Integration of the Technical Committee into Planning Process: Most participants recognize the value of having technical review support but do not have shared faith and trust in how this can be accomplished. Numerous interests and their inherent biases are reflected in the wide range of proposals about how the Technical Committee can function most appropriately. From the range of proposals, three themes can be derived. The Technical Committee should:

- Have a high degree of experience and expertise,
- Should have diverse representation, and
- Have a degree of independence and some influence in the design process but should not be isolated from public interests.

Use of consultants in the planning process: As described in previous analyses, an overwhelming majority of participants are concerned about consultants becoming decision-makers and related conflict of interest problems. It appears that most participants are concerned not from anything that has happened so far regarding consultant discrepancies, but rather what might occur if consultant support is not closely and transparently managed. The PM Team should leverage any opportunity to provide key messages to the public about how consultants are being managed, and the rules, responsibilities, and authorities the PM Team has created to do so. This again reflects the need for structured, transparent decision-making processes that enhance accountability of the Project Partners.

Role of National Science Panel in this process: As previously described, most participants consider the NSP a high-level review and advisory body. The suggestion by some participants for the NSP to provide decision-making support to the ELG and PM Team in dispute resolution, and negotiating potential trade-offs is an interesting but questionable idea. Their proposed involvement in decision-making could be helpful but could similarly be beyond the realistic bounds of responsibility for a group of national technical specialists that will likely convene on a semi-annual basis at best. Furthermore, there could be public concern if the perception is created that the NSP is adopting a decision-making role. This idea is worth consideration but only if the ELG and PM Team are prepared to create and publicly distribute a concise, unequivocal description of the NSP's role on this topic. This once again highlights the need for complete transparency in the planning process and defensibility in decision-making rationale.

The issue of minimized NSP efficacy due to their lack of local knowledge needs to be addressed through outreach efforts that allow the general public to gain more confidence about the appropriateness of having a NSP. This issue again underscores the need for ensuring local ownership of the planning process

F. Other Issues Pertaining to the Planning Process

Despite existing and likely increasing financial constraints, an extraordinary range of stakeholder organizations are prepared to commit their staff, time, facilities, technical expertise, data and other resources to support the planning process. However, this potential support is not unbounded nor is it without assumed quid pro quos. These stakeholders want a role in shaping the final outcomes. This reflects an understandable sentiment. As similarly described in previous analyses, stakeholders need to believe, and see tangible results that their involvement in the planning process helps them achieve their interests. The challenge is to provide this opportunity to all stakeholders such that within reason, interests are accommodated in support of, rather than to the detriment of other interests. This again reflects the need to conduct integrated discussions among diverse stakeholders. It also supports the need to create shared expectations early in the planning process regarding roles, responsibilities, desired likely outcomes of the planning process etc, so that stakeholders are clear about any limitations they may encounter in their efforts to achieve their interests. This underscores the need to create concise, consistent outreach messages.

A related challenge regards those stakeholders that do not have resources to commit to the planning process but have a compelling desire to participate. As previously described, a key challenge that should be addressed early on is how to achieve equitable participation in an environment where resource inequities exist. This will require thoughtful consideration by all active stakeholders, not only the Project Partners. All participants should have ownership resolving this dilemma as it is in every stakeholder's interest to ensure that the planning process is inclusive.

G. Conclusion

The assessment process has revealed important perspectives of how South Bay Salt Pond stakeholders view conditions for a collaborative planning process. While the Center has concluded that this project will lend itself well to a collaborative effort, the following key points derived from the analysis of the interview findings should be taken into consideration by the Project Partners. These points are considered equal in importance and each has implications for how the Project Partners should re-structure the planning process to be more scientifically and politically robust as well as more transparent and authentically collaborative.

- Transparency: Collaborative transparency is a key to progress and long-term public support: The planning process should avoid isolated discussions at all costs, and should merge technical and public discussions wherever and whenever possible

- Taking into account diverse interests: The planning process should be based on a multi-party, interest-based approach to problem solving that simultaneously accommodates but balances multiple stakeholder interests with non-negotiable authorities, missions, and polices of the USFWS and DFG.

- Local Ownership: The public should have a sense of local ownership to the planning process and the process results. If local ownership is not continually

fostered, there will be no ongoing support and associated benefits (e.g., funding) for this project.

- Ongoing public outreach: There should be a comprehensive, sustainable public outreach program in place for several years to ensure the education and participation of the diverse community of stakeholders.

- Robust science: The planning effort should be founded on a conceptual model of ecological function of the South Bay as a whole and should embrace scientific input and experimentation at a high level of investment.

- Partnerships: Project managers and stakeholders should develop creative partnerships to pursue funding for the planning process, and the long-term implementation of restoration and recreation actions.

VI. Recommendations

Based on the findings and analysis, the Center has concluded that the South Bay Salt Pond Restoration Project lends itself well to a collaborative design process.

Specific recommendations are organized into the following categories:

A) Guiding principles, goal, and objectives;
B) Overall organizational structure;
C) Public participation and outreach activities;[•]
D) Technical dispute resolution methods; and
E) Funding alternatives and resource contributions.

A. Guiding Principles, Goals, and Objectives

Guiding Principles

- "Providing public access" should be addressed as a specific principle to better mirror the language in the Goal.
- Integration of restoration and flood management should be addressed as a specific principle to better mirror the language in the Goal.
- Principle #2 should be expanded to include partnerships and alliances with local flood management, regulatory agencies, municipalities, NGOs, and local businesses.
- Principle #7 should be expanded to include the commitment to seek viable long-term funding.

Goal and Objectives

- Either acknowledge that some objectives may be mutually incompatible as they are currently written or understood, or assess and re-write some objectives to make them more compatible.
- Re-visit all the objectives to ensure that each is written at a comparable level of detail.
- Separate Objective #6 into two objectives: "Improve water quality" *and* "Minimize negative impacts of habitat conversion activities."
- On any future publication of the project's Goals and Objectives, the Project Partners should consider including an introductory paragraph that describes the respective mission statements, and roles and responsibilities of each of the Project Partners.
- The Project Partners should convene an initial series of core stakeholder meetings early in the planning process to review the current state of knowledge about each objective, and the potential for integrating multiple objectives. The Project Partners should include key stakeholders in the design of these early meetings. These initial meetings should be followed by one to two broadly advertised public workshops focusing on "State of Current Knowledge" to frame broader public discussions on integrating objectives.

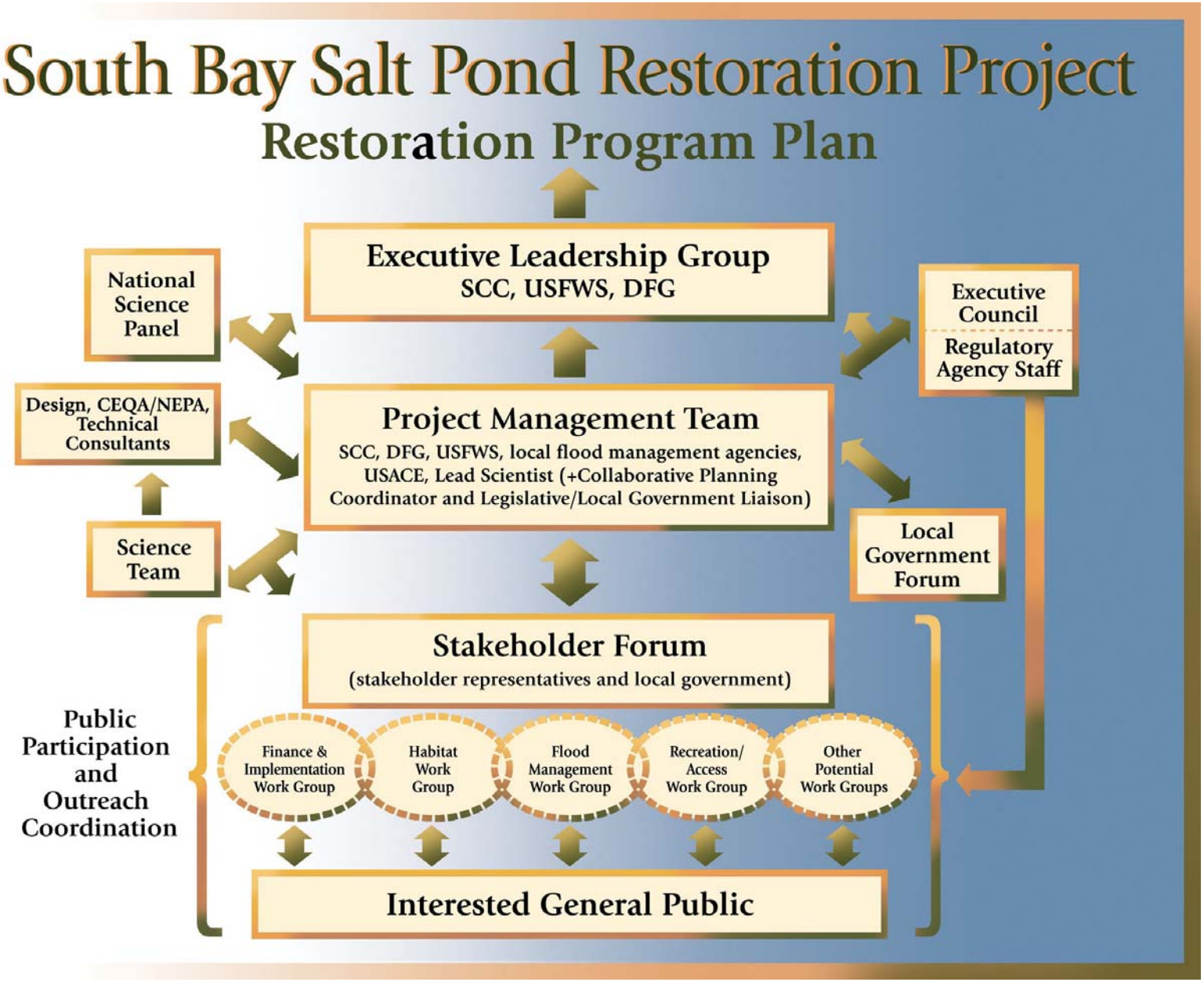
[•] The Center's detailed recommendations for public outreach and participation are provided in an accompanying document, *Public Outreach Strategy*, published under separate cover.

B. Overall Organizational Structure

Based on the analysis of assessment interview findings, the Center has prepared a proposed organizational structure for the planning and decision-making process. The revised organizational structure includes:

- The hierarchy of advisory and decision-making roles of all organizational elements;
- The relationships between planners, consultants, technical specialists, partner agencies, regulating agencies, local governments, and core stakeholders; and
- Proposed public involvement opportunities and associated milestones where process transparency is paramount.

The diagram presented on the following page presents a graphic representation of the proposed organizational structure.


South Bay Salt Pond Restoration Project
Restoration Program Plan
Executive Leadership Group
SCC, USFWS, DFG
National Science Panel
Executive Council
Regulatory Agency Staff
Design, CEQA/NEPA, Technical Consultants
Project Management Team
SCC, DFG, USFWS, local flood management agencies, USACE, Lead Scientist (+Collaborative Planning Coordinator and Legislative/Local Government Liaison)
Science Team
Local Government Forum
Stakeholder Forum
(stakeholder representatives and local government)
Public Participation and Outreach Coordination
Finance & Implementation Work Group
Habitat Work Group
Flood Management Work Group
Recreation/ Access Work Group
Other Potential Work Groups
Interested General Public

Appendix D provides a "Proposed Key Decisions and Roles Matrix" that illustrates the proposed role of each group and decision-making body with respect to major planning milestones and decisions that will be made over the next year.

The remainder of this section describes the following characteristics for each element of the proposed organizational structure:

- Composition;
- Role and responsibilities or function;
- Decision-making protocol and role in dispute resolution;
- Operating and communication/reporting guidelines; and
- Meeting type(s) and frequency.

These recommendations create the potential foundation for a charter of the planning process. Once the Project Partners have determined a final organizational structure, the structure should be made publicly available.

NOTE: Post-assessment update – *In the process of reviewing and refining the Center's recommendations during late August and early September, as well as reviewing recommendations from the first meeting of the NSP in July, the PM Team has already initiated some changes to their organizational roles and functions. These changes are reflected in the following section.*

EXECUTIVE LEADERSHIP GROUP

Composition: The Executive Leadership Group (ELG) is comprised of the following individuals: Executive Officer of the Conservancy, the California/Nevada Operations Manager of USFWS, and the Executive Director of DFG.

Role and responsibilities: The ELG represents the senior ranking representatives from each partner agency. The ELG is responsible for resolving all disputes that can not be resolved at the Project Management Team (PM Team) level of the process. The ELG is the recipient of all recommendations from the PM Team and the National Science Panel. The ELG is responsible for resolving any policy or technical disputes that cannot be resolved at the PM Team.

The ELG is responsible for providing executive level project and program updates to their respective federal and state legislative bodies.

Lastly, the ELG will provide the final approval of the completed restoration plan and associated environmental compliance documents.

NOTE: Post-assessment update – *The PM Team is currently in discussions with the Corps regarding the Corps' potential participation as a cost-sharing partner. If the Corps participates as such, the Corps will then become a federal National Environmental Policy Act co-lead along with the USFWS.*

Decision-Making and Decision-Making Protocol: The ELG has committed to consensus decision-making, which, for the purpose of this report, is defined as "unanimity."

Dispute Resolution: The ELG is charged with resolving any policy or technical dispute that the PM Team cannot resolve. The ELG will be directly advised by the NSP on issues of scientific importance or dispute.

Operating Communication and Reporting Guidelines: The ELG will communicate with their respective PM Team members on an as needed basis. They will receive monthly status updates from the PM Team. The ELG will coordinate on a periodic basis with commensurate executive-level representatives from appropriate regulatory agencies regarding the status of agency integration, and cooperation in the planning process, and about ongoing or pending regulatory constraints that can not be resolved by the PM Team or others.

ELG meeting outcomes should be provided in writing to the full PM Team in a timely manner Outcomes of ELG meetings should be made public and posted to the Project website.

Types of Meetings and Meeting Frequency: The ELG currently meets quarterly as needed. The Center recommends that one meeting per year be a public meeting that includes the Stakeholder Forum as meeting participants.

PROJECT MANAGEMENT TEAM

Composition: The PM Team currently consists of the following members:

- The Bay program manager and a project manager from the Conservancy responsible for overseeing the planning process;
- Two managers from the USFWS San Francisco National Wildlife Refuge Complex; and
- A regional manager and one staff person from DFG.

In addition to the current PM Team membership, the Center recommends adding the following non-voting advisory functional roles (described in greater detail below):

- A full-time Executive Director;
- A lead scientist;
- An adviser from one or both of the major local flood management agencies in the South Bay;
- A local government and legislative liaison;
- A public involvement coordinator/senior facilitator; and
- A representative from the Army Corps.

Discussion: This recommendation to add functions to the PM Team is based on the analysis of the assessment findings and on the Center's planning and organizational experience. These additions may translate to additional full or part time staff, and/or they may translate to more enhanced designations of the roles and responsibilities of current PM Team members. Due to the additional proposed workload, both scenarios are likely.

Interview participants overwhelmingly expressed faith in the Project Partners as individuals, but concern about the management structure, due to the disproportionate relationship between limited resources and the size of the planning effort. Interview participants are primarily interested in helping the Project Partners build a robust restoration plan that embodies a strong technical foundation, includes meaningful public review and feedback, and enjoys strong local and regional government and regulatory support. Current funding constraints will undoubtedly affect the Project Partner's ability to support additional staff. Creative funding mechanisms (as described elsewhere in this report) and appropriate political influence may be required to provide such support but without such assistance, it is questionable in the eyes of interview participants and the Center whether the PM Team can effectively manage the pending workload.

Roles/Responsibilities: The PM Team is the heart of the restoration planning process. The PM Team provides the overall leadership for the planning process and is responsible for all components of the planning effort, including but not limited to: scientific assistance and review; overall plan design; public participation and outreach; public policy impacts and analysis; budgeting and funding; dispute resolution; integration of the planning process with flood management, public health, and regulatory entities; and state and federal legislative and local government relations. They make all major decisions pertaining to the project and are responsible for overseeing the preparation of the final restoration plan (and associated compliance documents) and distribution of the plan to the ELG for executive-level approval.

Each member of the PM Team should be designated as the responsible manager for a discrete component of the planning process (i.e., Project Manager of Legislative Affairs, Project Manager of Consultant Services; Project Manager of Public Outreach; Project Manager of Funding and Acquisitions, etc). The clear delineation of areas of responsibility is important for internal management continuity and for public clarity about team responsibilities (see additional post-assessment note below about recent decisions by the PM Team regarding the recommendation).

The PM Team will establish, communicate, and enforce the Project's Guiding Principles throughout the planning process. The PM Team will similarly memorialize and publicize all decision-making milestones including the criteria developed and used to structure a decision. This includes but is not limited to decisions about:

- consultant hiring and management;
- stakeholder forum and work group selection processes (described later in this section)

- product delivery, review, and acceptance from consultants;
- direction to the core stakeholders group and associated workgroups;
- direction to all technical support staff;
- design elements of the plan;
- any related research activities;
- implementation of the Public Participation and Outreach strategy; and
- dispute resolution.

As previously discussed, the Center proposes adding several advisory staff to the PM Team to assist in the anticipated increased workload of the planning process. Descriptions are provided later in this section regarding specific recommendations on the roles and responsibilities of these proposed new positions.

Decision-making and decision-making protocol: The PM Team makes all key decision pertaining to the restoration plan. They commit to a consensus-based decision-making process. Consensus in this case means "unanimity of all members." Each voting organization (Conservancy, USFWS, and DFG) will have only one vote. Any Project Partner with two or more representatives on the PM Team will determine the existence or lack thereof of unanimity within their organization prior to engaging in a decision-making effort with the other voting partners.

When Project Partners cannot achieve unanimity on a management, policy or technical decision, they will resort to a majority vote. Invoking majority vote automatically triggers decision review by the ELG. Voting member organizations can remove themselves from a decision-making event if they choose.

Operating, Communication, and Reporting Rules: The PM Team commits to ongoing transparency in their reporting and decision-making. The PM Team will provide regular reports to the ELG. These reports will be made public and posted on the project website. The PM Team (and in particular any respective assigned lead manager) will provide ongoing direction to organizational elements under their direct management. This may include written memos to consultants, stakeholder working groups, etc. These memos will be part of the public and contractual record for all activities on the Project and will be used as the basis to assess levels of completion and performance by different aspects of the planning process. The PM Team will prepare regular reports to the core Stakeholder Forum (described below). The PM Team will also provide periodic updates and reporting to the charitable foundations that have and are continuing to contribute to the planning process.

Neutral Facilitation: As requested or needed, the PM Team meetings will be facilitated by a professional facilitator or facilitation team.

Types and Frequency of Meetings: Currently, the PM Team currently meets every other week for internal project management. The PM Team currently meets quarterly with the ELG. The Center recommends regular participation of one or more PM Team members in core stakeholder forum meetings (described later in this section). Periodic attendance at any topical work groups that emerge out of the core stakeholder forum is also advised. The Center also recommends participation of all PM Team members in twice-yearly public meeting/workshops with the proposed core stakeholder forum and all interested members of the public.

Staff Resources and Facilitation: The day-to-day management of the planning process will require numerous additional staff persons providing administrative support. Staff should be focused on logistics support for the planning and coordination of numerous daily meetings. Meetings will need to be recorded and summaries prepared, reviewed, revised, and distributed. Background

materials will be provided for each meeting including but not limited to briefing packets, technical updates, and similar information.

Similar to administrative support, the entire planning process will require support from trained facilitators. The planning process offers an excellent opportunity for the Project Partners (and other interested parties) to improve their institutional capacity to facilitate and manage collaborative efforts. It remains to be determined where the best use of independent professional facilitation is and conversely, where the best use of in-house trained staff will be. Due to the size of the planning process, it is reasonable to assume that cost prohibitions will limit the use of professional facilitators and the development of in-house trained staff will potentially provide extensive cost efficiencies.

NOTE: Post-assessment update *– As part of their extensive review of the Center's recommendations, the PM Team has generated the following description of their expanded role and responsibilities:*

South Bay Salt Pond Restoration Project
Project Management Team Responsibilities
DRAFT (September 3, 2003)

General

- Development of restoration, public access, and flood management alternatives, analysis of the costs, benefits, and impacts of alternatives, selection of a restoration plan, development of an adaptive management and monitoring plan, CEQA/NEPA compliance and permitting, and plans and specifications for Phase 1 of the restoration plan;
- Reporting to and receiving directives from ELG;
- Coordination among the three lead project management agencies (Conservancy, USFWS, and DFG);
- Coordination among agency and consultant staff with specific roles (see below)
- Coordination with flood management agency, Corps, and advisory members of the PM Team;
- Coordination with the Lead Scientist advisory member of the PM Team;
- Development and oversight of budget, schedule, and project management plan;
- Oversight of all expenditures and project budget management;
- Coordination with neighboring landowners, adjacent projects, and infrastructure; and
- Development of agendas, handouts, and meeting minutes for all meetings and coordination with the California State Library on documentation of the planning process.

Regulatory Agency Coordination

- Coordination and communication with Regulatory Agencies;
- Tracking of milestones in NEPA/California Environmental Quality Act (CEQA) and development of a Permitting Integration Memorandum of Understanding with Regulatory Agencies;
- Oversight of NEPA/CEQA documents and permitting; and
- Coordination with Restoration Program Executive Council (described later in this section).

Local Government Relations

- Coordination with local governments (City and County elected official and staff);

- Updates for local elected officials, staff, and local offices of state and federal officials through Local Government Forum; and
- Coordination with ABAG.

Public Outreach and Stakeholder Involvement

- Project representation and outreach to the media and tracking of project media in coordination with public relations staff of participating agencies;
- Management, staff support, and coordination with Stakeholder Forum" and Work Groups (described later in this section);
- Coordination with the San Francisco Bay Joint Venture on speaker's bureau, site tours, and other outreach efforts;
- Coordination with Moore Foundation on Pelican Media film;
- Management of the project web site, production and distribution of newsletters and other announcements, and management of other external outreach efforts;
- Development of project graphics (maps, photographs, etc.) ; and
- Coordination of volunteers, service-based efforts, and philanthropic activities, in coordination with agency staff.

Legislative Affairs and Funding Liaison

- Contact and meetings with state and federal legislative leaders to update them on planning status;
- Communication of funding needs to state and federal legislators and private funders;
- Coordination with Resources Law Group, Resources Legacy Fund, and Hewlett, Packard, and Moore Foundations; and
- Reporting to Wildlife Conservation Board and Coastal Conservancy Board on funding needs and other efforts requiring board authorizations.

Consultant and Contract Management

- Development of Requests for Qualifications and Requests for Proposals;
- Selection of environmental, engineering, planning, project management, outreach, technical, and other consultants and the development related of scopes of work, and development and management of related consultant contracts.
- Oversight of consultant budgets, schedules, and deliverables;
- Management of communication and coordination between consultants and other entities (Stakeholder Forum and Work Groups, regulatory agencies, NSP, peer review, etc.);
- Coordination with Coastal Conservancy Association on selection and management of technical review and outreach consultants; and
- Development, management, and oversight of grant agreements and interagency agreements and related scopes of work with public agencies, universities, and/or NGOs.

Lead Scientist

- Coordination with NSP chair and members;
- Management and oversight of Peer Review Committee (described later in this section);
- Day to day liaison with lead technical staff from consultant team;
- Review of all technical recommendations from the Stakeholder Forum and Work Groups;
- Management and oversight of technical staff embedded in Work Groups and the Stakeholder Forum.

PM TEAM: EXECUTIVE DIRECTOR

The Executive Director of this project may be responsible for:

- Oversight of all focused project managers,
- Oversight of all multi-agency support staff,
- Coordination with Stakeholder Forum members and Work Groups,
- Coordination with NSP representatives,
- Coordination of Lead Scientist and Peer Review Committee activities,
- External outreach communication and project representation to the media, and
- Oversight of all PM Team expenditures and project budget management.

With respect to addition of a full-time project/program manager, the Center suggests the following options:

- Elevation of the Conservancy project manager, Amy Hutzel, to full-time status on the Project;
- Elevation of Conservancy Bay Program Manager, Nadine Hitchcock, to full-time manager of the PM Team; or
- Hiring an experienced outside person with extensive project management and stakeholder and government relations skills to fulfill this role.

NOTE: Post-assessment update *- At their meeting on September 2, 2003, the PM Team adopted this recommendation. However, the Conservancy informed the PM Team at that time that due to state budget constraints, there would likely be no possibility of hiring or promoting anyone from the Conservancy into this role at this time. Therefore, the PM Team has initiated investigation of the third alternative, to seek a qualified individual from outside their agency.*

PM TEAM: LEAD SCIENTIST

The Center understands the partners are in the process of considering adding a Lead Scientist to the team. The team recommends that a scientist from a public agency fill this position. The Lead Scientist should be an agency or academic representative and will be responsible for:

- Management and oversight of the Peer Review Committee;
- Management and oversight of technical staff participation in the Stakeholder Forum and Work Groups;
- Day to day liaison with lead technical staff from consultant team;
- Periodic coordination with NSP members;
- Periodic technical updates to the Project Partners; and
- Review of all technical input from the Stakeholder Forum and Work Groups to the PM Team.

NOTE: Post-assessment update *- The PM Team recently hired a Lead Scientist, Dr. Lynn Trulio, chair of the Department of Environmental Sciences at San Jose State University.*

PM TEAM: FLOOD MANAGEMENT PARTNERS

The Center recommends that both Santa Clara Valley Water District and the Alameda County Flood Control District join the PM Team as fully integrated, advisory partners.

The flood management agency partner(s) should be asked to dedicate their own internal staff to provide staffing support for their participating representative.

***NOTE: Post-assessment update** - The PM Team has invited these two agencies to participate as fully integrated advisory partners on the PM Team. The San Mateo County Flood Control District was also invited to join, but had to decline due to lack of staffing resources to participate on a regular basis.*

PM TEAM: COLLABORATIVE PLANNING COORDINATOR

The collaborative planning coordinator (coordinator) will oversee public participation and outreach and collaborative planning activities to implement overall public outreach and the public Stakeholder Forum (see below) and Work Groups. The Coordinator will work closely with the PM Team and the Public Outreach Team. Tasks for this function include:

- Implementation of the broad public outreach strategy, including project speakers and guest lecturers;
- Facilitation of Stakeholder Forum and Work Groups;
- Coordinating volunteer efforts and philanthropic activities;
- Interaction with press inquiries; and
- Integration of public outreach with the more intensive public working groups.

PM TEAM: LEGISLATIVE AFFAIRS AND LOCAL GOVERNMENT LIAISON

These liaison roles are responsible for day-to-day integration with local government interests in the planning process. The liaison takes responsibility for:

- Local elected official updates;
- Contact and meetings with state and federal legislative leaders to update them on planning status; and
- Coordination and pursuit of funding opportunities from state and federal legislative delegations.

***NOTE: Post-assessment update -** Nadine Hitchcock of the Conservancy will be responsible for coordinating legislative affairs and government relations for the Project. Clyde Morris of the USFWS will be responsible for coordinating local government relations.*

EXECUTIVE COUNCIL

Composition: The Executive Council of the San Francisco Bay Wetlands Restoration Program is comprised of high level administrators from local, state and federal resource and regulatory agencies involved in wetlands and watershed management, regulation, planning or research.

Role/Responsibilities: As stated in the Charter of Working Principles for the San Francisco Bay Wetlands Restoration Program, "the Executive Council [of the San Francisco Bay Wetlands Restoration Program] serves as the sole, comprehensive forum in the Bay Area where policy issues that may be impeding a particular project's progress can be openly discussed among an assembly of high-level representatives from concerned agencies." Because of the scope and magnitude of the South Bay project, the Executive Council can provide an important Bay Area-wide forum to address any policy or regulatory disputes that may be impeding progress on the development of the South Bay restoration plan.

Specifically, resources and regulatory agency representatives on the Executive Council commit to work with the PM Team in providing "early warning" on any emerging policy or regulatory disputes.

Should any of these disputes remain unresolved at the PM Team level, the regulatory members of the Executive Council commit to a good faith effort to resolve these disputes directly with the ELG.

In addition, the Executive Council will also review and discuss with the PM Team and the ELG on the emerging South Bay plan in the context of all other Bay Area restoration efforts. Finally, Executive Council senior managers will provide oversight of their respective agency staff involvement in the Stakeholder Forum and Work Groups.

Operating, Communication, and Reporting Guidelines: The Executive Council commits to ongoing, open, dialogue with the PM Team and peer dialogue with the ELG as needed.

The Executive Council commits to early identification and notification to the PM Team of any emerging policy or regulatory issues that may impede the South Bay restoration planning process. The Council also commits to regular reports to the PM Team on Bay-wide wetlands restoration projects that may offer synergistic benefits to, or potential incompatibilities with, the overall South Bay restoration plan. This includes:

- Early in the process, periodic, regular informal consultations of the Executive Council members with the PM Team and the ELG, scheduled at participants' mutual convenience
- Later in the process, assessment reports to the PM Team and the ELG pertaining to successes and potential obstacles in ensuring permit approval for the South Bay project. Reporting schedule would coincide with the annual program report as specified in the Executive Council's Operating Procedures. Reports pertaining to any specific restoration plan objectives or elements will be provided as mutually agreed on by the Executive Council and the PM Team.

Members of the Executive Council that are providing staff to the South Bay restoration planning effort agree to conduct collaborative joint oversight of those staff participants that are being compensated with Conservancy assistance.

Decision-Making: This partner group is advisory only to the plan development process. Some members of the Executive Council group issue final permit approvals for the plan.

Meeting Types/Frequency: Twice yearly public meetings with the PM Team and/or ELG as needed.

REGULATORY and TRUSTEE AGENCY PARTNERS GROUP

Composition: Staff of local and other regulatory agencies with permitting authority for the plan, including members of the Executive Council as well as NOAA Fisheries, the USFWS Environmental Services Branch and the DFG Regulatory Division.

Role/responsibilities: This staff-level group provides ongoing staff support to the regulatory agencies involved in the plan development. This includes day-to-day "early warning" for the PM Team and any public working groups established as elements of the restoration plan are

developed. Agencies in this group should commit to providing staff support to these public stakeholder working groups.

Operating Guidelines and Reporting: This group will operate under an MOU with the Project Partners and provide ongoing briefings to their executive leaders.

Decision-making: Not applicable.

Meeting frequency: Once a month with PM Team and as needed.

NATIONAL SCIENCE PANEL (NSP)

Composition: Nationally and locally-recognized experts familiar with large-scale wetlands restoration efforts and knowledgeable about application of adaptive management protocols and long-term monitoring.

Role/Responsibilities: The NSP will provide high-level science oversight to the overall restoration planning process and periodic review of local technical investigations pertaining to the restoration plan design.

Decision-making: Not applicable, advising only.

Reporting: The NSP will have a direct reporting relationship to the ELG, PM Team, and with PM Team Lead Scientist.

Meeting Type and Frequency: Meetings will generally be open to public, with the provision for closed sessions at every NSP meeting.

Note: Post Assessment Update - *The NSP held its first meeting in July 2003. The NSP and the PM Team are in the process of refining the NSP roles and responsibilities. Among other recommendations, the NSP advised the PM Team to hire a lead scientist and a core science team, whose first task will be to develop an overall science strategy for the planning process. The PM Team has hired a Lead Scientist. The other tasks are now underway.*

SCIENCE TEAM

Composition: The Science Team consists of a core advisory group and a larger team of scientists, who may be drawn from the original Technical Committee RFQ issued in the spring of 2003. Participation on this Peer Review Committee Team may preclude participation either as a member of the Science Team or as a member of the plan design consultant team.

Role/Responsibilities: Under the direction of the Lead Scientist, their function will be to provide direct technical support and knowledge-building to the Stakeholder Forum and public Work Groups and to assist the Stakeholder Forum in providing high-quality, scientifically based input to the PM Team on elements of the plan. In addition, under the direction of the Lead Scientist, this team will provide quality assurance / quality control and peer review on technical investigations being undertaken by the consultant team. This team may work with the regulatory partners to assess consistency of South Bay restoration plan science/technical investigation with other Bay Area efforts underway. The Science Team will also interact and provide input to the Consultant Team hired to carry out the restoration design.

The proposed technical experts on this committee will function in a technical advice role only. They will be prohibited from participating on any consultant teams that are hired to design elements of the plan and/or conduct environmental compliance.

Operating and Communications and Reporting Guidelines: The Science Team will report directly to the Lead Scientist and the PM Team.

Decision-making: Advisory only.

Meeting Types and Frequency: To be determined.

Note: Post Assessment Update - The Project Partners have proceeded with a recommendation from the NSP to create a core Science Team whose first task will be to develop a Science Strategy for the restoration planning. The Project Partners will continue to invite other scientists to join the Science Team as the planning gets underway over the next several months.

CONSULTANT TEAM

Composition: This team is comprised of all technical consultants that will be hired to carry out the PM Team's restoration design.

Role/Responsibilities: Technical consultants to the actual restoration plan development, including design, assessment, modeling, and construction cost estimating of restoration plan alternatives and preparation of all environmental compliance documents, including, but not limited to, NEPA/CEQA documents, biological assessments, federal Clean Water Act Section 404 and 401 permit applications, State DFG Streambed Alteration Agreements, State Historic Preservation Officer requirements, and similar reports.

This team will work exclusively under the direction of the PM Team, with a designated project manager from the team. Consultants are charged with the following activities:

- Overall restoration plan design and modeling;
- Adaptive management and monitoring plan development;
- Data management and monitoring; and
- Specific technical investigations requested by the PM Team and Lead Scientist.

Decision-Making: No decision-making role. The Consultant Team will be charged with providing technical plan design and environmental compliance support on an as-directed basis from their project manager on the PM Team.

Operating and Communications and Reporting Guidelines: Consultants will communicate directly with the PM Team on an ongoing basis. On occasion, members of the consultant team may be invited to the Stakeholder Forum for briefings on plan development, or to participate in educational workshops for the public. Technical consultants will report to their respective PM Team supervisor(s).

LOCAL GOVERNMENT FORUM

Composition: One elected member from each adjacent city, one Public Works, Environmental Services or Planning Director from each city and the PM Team and the Stakeholder Forum.

Role/Function: Periodic dialogue and updates between local governments, the PM Team and Stakeholder Forum on the progress and milestones of plan development.

Creation of the Local Government Forum does not preclude participation of a local elected officials or high level local government public works staff on the Stakeholder Forum.

Decision-Making: Not applicable; dialogue and advising only.

Reporting: Local Government Forum meetings will be facilitated and publicly available summaries will be prepared by a neutral specialist for distribution to all meeting participants' pertinent state and congressional offices, the ELG and the Project web site.

Meeting Type and Frequency*:* Meetings will be general discussion and will take place four times a year. Meetings will alternate between elected representatives and local government staff. Thus, two meetings a year will be held with elected and two meetings with staff. Additional representatives from the technical support staff, and/or the Consultant Team may also attend as directed by the PM Team.

COLLABORATIVE PUBLIC PARTICIPATION

Based on analysis of interviews that stresses the central importance of many types of public input into the plan design, the Center recommends the following three tiers of collaborative public participation.

1. STAKEHOLDER FORUM

Composition: The Stakeholder Forum will be comprised of core stakeholders with a demonstrated long-term, ongoing interest in the restoration plan and in the South Bay shoreline.

Based on the assessment interviews, the Center recommends that the Stakeholder Forum be comprised of approximately 25 members representing the following categories (and potential specific interests):

- **Local Business**: Chambers of Commerce, adjacent corporate entities, Cargill, private mitigators, homeowner associations, other local business owners.
- **Environmental organizations**: Groups or organizations that have played a historic, and will play an ongoing major role in Bay Area restoration, land use and water quality protection.
- **Public Access /Recreation:** Pedestrian and bike trail advocates, hunters, boaters, dog enthusiasts, birdwatchers.
- **Public Infrastructure**: Ports, utilities, other infrastructure owners.
- **Community advocates and institutions**: School districts/Parent Teacher Associations, environmental justice advocates, recreational fishing, local community "experts" on the South Bay.
- **Flood management**: Other flood districts not represented on the PM Team.
- **Public Works/Public Health**: Water quality, vector control, wastewater professionals.

- **Local or State Elected officials (or staff):** self-explanatory.

Stakeholder Forum Selection: The PM Team will be responsible for appointing this Forum through an expedited application process. In addition, it is anticipated that not all categories of interest groups will enjoy equal representation. Determination of what the proportions should be for each interest group will be an additional decision by the PM Team and will likely reflect the degree of input on various topics in this assessment.

Role/Responsibilities: The role of the Stakeholder Forum is to provide ongoing, high level, publicly derived input to the PM Team on three major components of the restoration plan: habitat objectives and actions, types and levels of public access, and integration of flood management and habitat. This input will be used by the PM Team as the basis for them to provide feasible and substantive design and plan management direction to the separate Consultant Team (as described below). Additionally, some Stakeholder Forum members will be asked to chair Work Groups (described below).

Based on the assessment interviews and Center analysis, the following key issues are recommended for focused public education, discussion, review and refinement through the proposed Stakeholder Forum (in no particular order of importance):

- Review and input on the final objectives of the plan,
- Development and discussion of the trade-offs across objectives,
- Consensus-seeking on integration of the habitat, public access and flood management objectives,
- Review of planning scenarios,
- Public access/recreational components,
- Floodplain and tidal Flood protection integral to the restoration effort,
- Water quality effects, including mercury methylation,
- Opportunities for South Bay water quality improvement,
- Habitat mosaics and location,
- Dredge material use/placement, and
- Vector management and predation control.

The Science Team will consult to and advise the Stakeholder Forum under the direction of the Lead Scientist. Their function will be to provide direct technical support and knowledge-building to the members of the Stakeholder Forum and to assist the forum in providing high-quality, scientifically founded advice to the PM Team on elements of the plan.

As previously described, this approach integrates technical and policy discussions in a highly visible way. It also maximizes the likelihood that the public's input will be based on sound technical assistance and advice and those technical opinions will be similarly tempered by public interests and concerns.

Decision-Making: The Stakeholder Forum will provide input to the PM Team and should use a consensus-seeking decision model. That is, the committee will strive to reach unanimity, or some modified version of unanimity in its recommendations to the PM Team. Should they be unable to reach consensus with limited efforts to resolve impasses, they will nonetheless elevate their recommendations in the form of majority and minority reports.

Final determination of a decision rule should rest with the Stakeholder Forum itself. This should be one of the first issues that the forum undertakes at its first several meetings.

Operating, Communications, and Reporting Guidelines: One of the first tasks of the Stakeholder Forum will be to develop its own Charter. This Charter should explicitly spell out elements including but not limited to committee membership criteria, "rules of engagement" in participating in collaborative discussions, guidelines for accountability and communication with their constituent organizations, guidelines for communicating with the media, and an understanding/reiteration of the parameters of their role with respect to the PM Team's decisions (as defined by the PM Team and as regularly communicated as part of the Public Outreach Strategy).

Meeting Types and Frequency: Stakeholder Forum meetings will include regular and ongoing participation of one or more PM Team members. All meetings of the Stakeholder Forum will be public. Public comment time will be made available for any non-Committee members in attendance. The Stakeholder Forum will meet once every four to six weeks. The Stakeholder Forum will meet twice yearly in a public meting forum with the entire PM Team.

Neutral Facilitation: Stakeholder Forum meetings will likely be coordinated and facilitated by a neutral professional facilitator or facilitation team. The PM Team may also wish to sponsor collaborative skills trainings for all forum members.

2. STAKEHOLDER FORUM WORK GROUPS

Composition: Work group participants will include members of the Stakeholder Forum, agency staff and other interested members of the public. A member of the Stakeholder Forum will chair each Work Group.

The Lead Scientist will assign Science Team members to the appropriate Work Groups on an as needed basis to ensure scientific consistency in Work Group discussions and advice. Every Work Group should include a representative from a local regulatory agency (i.e., U.S. Environmental Protection Agency, Bay Conservation and Development Commission, RQWCB, or the Corps). Stakeholder Forum deliberations will be informed by these Work Groups on specific topic areas.

Role/Responsibilities: The Work Groups will support the deliberations of the Stakeholder Forum. The Work Groups will engage in detailed, open public discussions of specific elements of the plan development. Suggested Work Group topics are provided below; however it is likely that additional Work Groups will be formed on an as-needed basis:

- Habitat and Habitat Mix;
- Flood Management Integration;
- Public Access/Recreation; and
- Funding and Long-term Project Implementation.

The first task of the Work Groups will be to familiarize themselves deeply with the plan objectives for each of these plan elements, to educate themselves on the associated opportunities and constraints within each of the plan elements, and provide ongoing feedback to the Stakeholder Forum.

Every Work Group will devote one to two early meetings on regulatory issues germane to their topic area and will provide similarly focused periodic update portions of some meetings to further discuss regulatory issues with new participants and to accommodate any changes in regulatory staff or regulations. The purpose of these regulatory foci is to keep all plan elements grounded in the realities of regulatory compliance.

To ensure the ongoing integration of the multiple objectives for this restoration effort, each Work Group will be expected to meet jointly on some regular basis with other Work Groups

Decision-Making: Work Groups will be advisory to the Stakeholder Forum. They will not make decisions. They will be consensus-seeking if possible but with little expectation for them to reach unanimity. When making specific recommendations to the Stakeholder Forum, all feasible viewpoints on a specific recommendation will be provided.

Operating, Communications, and Reporting Guidelines: All Work Groups will operate under a consistent set of guidelines and ground rules to be determined by the Stakeholder Forum and PM Team. Each Work Group chair will be a member of the Stakeholder Forum. Work Groups will be open to the public. Therefore, participation at Work Group meetings will likely be fluid. Each Work Group Chair will enforce ground rules for ongoing and periodic participation in their respective Work Group activities and will be responsible for communicating ground rules to all new and current participants.

Work Group Chairs will report verbally and in writing to the Stakeholder Forum on a regular basis. Work Group members may also be asked to report to the Stakeholder Forum on an as-needed basis. All Work Groups will provide reports to the Stakeholder Forum in a standard format (to be determined by the Stakeholder Forum and PM Team.

Staff Resources: Participating local businesses, infrastructure businesses, and state, federal and local agencies and local government will be asked to donate staff time, technical assistance and resources for participation in the Work Groups.

This assistance may include staff support to the Work Group Chairs for completion and distribution of any outcomes of the Work Group meetings.

Local regulatory agency (BCDC, RWQCB) participation in Work Groups may require funding from the Conservancy or some other source.

The PM Team may want to consider the use of limited term, limited value stipends to support the involvement of public interest parties that otherwise cannot afford to support Work Group efforts. As with other PM Team decisions, any use of such stipends will need to be transparent and highly visible.

Meeting Types/Frequency: All Work Group meetings will be open to the general public. All Work Groups should have the option of neutral facilitation, either on an ongoing or on as "as requested" basis. The PM Team could also consider focused facilitation skills building for Work Group Chairs.

3. GENERAL PUBLIC PARTICIPATION AND OUTREACH ACTIVITIES

Detailed recommendations for public involvement and public outreach are outlined in the accompanying *Public Outreach Strategy* document. This document includes details: A) Timeline for Public Participation and Media Outreach Activities; B) Key Messages and Talking Points; and C) Public Meeting Venues.

C. Public Participation and Outreach Activities

As described above, detailed recommendations for public involvement and public outreach are outlined in the accompanying *Public Outreach Strategy* document.

D. Technical Dispute Resolution Methods

Ultimate technical and policy dispute resolution responsibilities reside with the ELG. With respect to technical dispute resolution, the ELG, in concert with the NSP or local technical review/peer review specialists should engage in one or more of the following options for technical dispute resolution:

- Commission a joint fact-finding technical committee that includes stakeholders, academicians, and other scientific experts whose findings will be accepted by the PM Team and the Stakeholder Forum;

- Convene a blue-ribbon independent science panel patterned on the National Academy of Science model; whose review will be accepted by the PM Team and the Stakeholder Forum;

- Request that the Lead Scientist convene a mutually agreed-on informal working group to provide recommendations to the ELG; or

- Request local academic sponsorship of an independent scientific investigation into the technical issue in dispute.

Irrespective of the type of technical dispute resolution the ELG and PM Team might select on a given dispute, the policy-making role of the PM Team and the ELG empowers them to settle any features of a dispute that are policy-based rather than technical in nature. That said, the complexity of this restoration planning effort will require the science experts and the PM Team to develop key management questions linked to potential technical disputes that can be clearly understood by the public. Ongoing integration of technical and policy discussions, with robust public input, will be a keystone of this planning effort.

E. Funding Alternatives and Resource Contributions

An issue of central concern to many of the respondents was how to assure long-term, sustained funding of the plan.

Respondents provided a few suggestions for stabilizing the long-term funding and resource requirements for the plan. Numerous respondents offered in-kind staffing, technical assistance, and public outreach resources for the planning process.

Federal Funding: Respondents expressed the advantages and disadvantages of including the Corps as a planning and implementation partner. While no clear direction from the respondents on this issue emerged in the interviews, the Center recommended that the PM Team continue to pursue all possible avenues and options for partnering with the Corps.

Local Partnerships: Stakeholders from diverse perspectives suggested that the Project Partners look closely at the options for developing local funding partnerships. The Center offers the following recommendations:

- The Stakeholder Forum Funding and Implementation Work Group should consider requesting that participating infrastructure entities fund NGO participation in the planning process. According to one respondent, availability of funding for stipends or

grants from local business partners could have the effect of encouraging local foundations to provide grants as well.

- The Funding and Implementation Work Group should also initiate dialogues with ABAG and Bay Area-wide water and flood management utilities about the potential for establishing a Bay Area or South Bay Restoration Assessment District or other comparable funding authority.
- The Funding and Implementation Work Group should investigate partnership opportunities with local private and public universities. These partnerships could include interagency loans of staff or donations of technical and database expertise.
- The Center also recommends the explicit creation of a "Community-Based Organization" role in the various public participation venues in the project, with a well-defined description of activities and responsibilities. This kind of "packaging" would enable small foundations to provide small grants and stipends to local stakeholders to participate. Examples of programs like this are the CALFED Environmental Justice Coalition for Water and the Santa Clara Valley Water District Watershed Stewardship Program.

In addition to the offers of assistance outlined in the Public Outreach Strategy, stakeholder respondents made specific offers of staff and in-kind contributions. These offers are listed below.

***Note**: This list is by no means exhaustive. Several of the organizations that were interviewed are already providing both in-kind and direct support to the Project.*

Technical Assistance

- California Waterfowl Association offered technical assistance on uplands conditions.
- Ducks Unlimited offered technical assistance on restoration design.
- San Francisco Bay Bird Observatory has a vast amount of data to contribute that has not yet been published, but will be made available as soon as the data are published.
- PG&E offered access to their extensive GIS and mapping systems.
- The City of San Jose offered detailed LIDAR maps and recently completed habitat studies.
- The Point Reyes Bird Observatory offered technical data on avian usage of the South Bay ponds.
- The City of Palo Alto offered technical assistance of their water quality staff.
- The Santa Clara Valley Water District offered technical assistance.
- The Alameda County Mosquito Abatement District offered technical assistance.
- Cargill Salt Company offered technical assistance.
- The National Audubon Society Bay Restoration Program is hiring a staff scientist to work on this project.

Other Staff/Volunteer Resources:

- All NGO respondents committed to ongoing active participation (within resource limitations).
- The Alameda County Mosquito Abatement District offered staff support.
- The Cities of Palo Alto and Redwood City offered staff assistance.
- Santa Clara Valley Water District offered staff support.
- State Senators Sher and Figueroa offered local staff participation.
- PG&E will be active on any work groups focusing on infrastructure.