

# **Charter and Operating Protocols** **South Bay Salt Ponds Restoration Project** **Stakeholder Forum and Work Groups**

## **Overall Project Mission**

The overall mission of the South Bay Salt Ponds Restoration Project is to prepare a scientifically sound and publicly supported restoration and public access plan that can be implemented within five years.

## **CHARTER**

### **Stakeholder Forum**

#### **Mission**

The purpose of the Stakeholder Forum is to provide ongoing, high level, publicly derived input to the Project Management Team (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 restoration. This input will be used by the PM Team as the basis to provide feasible and substantive design and plan management direction to the Consultant Design Team. The Forum will also assist the PM Team and other project team members to gain a broader understanding of public and interest group perspectives.

#### **Composition**

The Stakeholder Forum is comprised of core stakeholders with demonstrated long-term, ongoing interest in the restoration plan and South Bay shoreline, representing the following categories:

- Local Business and Adjacent landowners;
- Environmental organizations;
- Public Access /Recreation Interests;
- Public Infrastructure;
- Community advocates and institutions;
- Flood management;
- Public Works/Public Health; and
- Local or State Elected officials.

**Attachment A** provides a list of Stakeholder Forum members, selected by the PM Team. Central to the selection process was the effort to obtain broad geographic and interest-based diversity, as well as participants with a demonstrated commitment to inclusive, collaborative solutions. Selection Criteria used by the PM Team are included in **Attachment B**.

### **Roles and Responsibilities:**

After initial joint education, the Stakeholder Forum will provide focused review, discussion and consensus-seeking on several key issues including the following:

- Review and input on the final objectives of the restoration plan
- Development and discussion of possible trade-offs across plan's objectives
- Discussion and consensus-seeking on design opportunities and constraints and integration of the habitat, public access, and flood management objectives
- Review and consensus-seeking on restoration concepts
- 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
- Vector management and predation control

The PM Team will periodically assign specific tasks or directives to be undertaken by the Forum. In addition, 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 public members of the Forum and to assist the Forum in providing high-quality, scientifically based advice to the PM Team on elements of the plan.

### **Stakeholder Forum Work Groups**

#### **Mission:**

Work Groups will be established by the Stakeholder Forum to provide more detailed analysis of issues necessary to planning and implementing the restoration program. Work Groups will operate under the direction of the Forum, focusing on the issues defined and assigned by the Forum. Work Group members will also provide additional points of contact between the public, the PM Team and participating regulatory agencies.

#### **Composition:**

Work Groups will include members of the Stakeholder Forum, government agency staff, and other interested members of the public. 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 one or more regulatory agencies (USFWS, DFG, EPA, BCDC, RWQCB, NOAA Fisheries or USACE).

Ideally, each member of the Forum will also serve on at least one Work Group. In addition, representatives of other interest groups and organizations not participating on the Forum will be encouraged to participate in Work Groups. The Work Groups provide a means to involve more public representatives than can be accommodated on the Forum, as well to enhance the diversity of participation in the restoration program.

#### **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.

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.

## **OPERATING PROTOCOLS**

### **General Principles of Collaboration:**

The following general operating principles are proposed to guide the deliberations of the Stakeholder Forum and Forum Work Groups:

- The goals of the project will best be achieved by relationships among the Forum members characterized by mutual trust, responsiveness, flexibility, and open communication.
- It is the responsibility of all participants in the project to work toward the common goals of the project.

To that end, Forum and Work Group members will:

- Commit to expending the time, energy and organizational resources necessary to meet project objectives.
- Recognize the complexity involved in restoring the salt ponds and the need for collaborative problem solving to find the best solutions.
- Be prepared to listen intently to the concerns of others and identify the interests represented.
- Ask questions and seek clarification to ensure they fully understand other's interests, concerns and comments.
- Be respectful of other's interests, even if they are not consistent with or oppose their own
- Regard disagreements as problems to be solved rather than battles to be won.
- Be prepared to "think outside the box" and develop creative solutions to address the many interests that will be raised throughout the planning process.
- Commit to act in good faith and respect the personal integrity and values of other members.

### **Decision-Making:**

The Stakeholder Forum and its Work Groups will strive to seek consensus on all key issues. No voting is anticipated. Rather, every effort will be made to address the concerns of even a lone voice of opposition. Members of the CCP facilitation team will help plan, prepare for, and facilitate each Forum meeting.

Every effort will be made to reach consensus on major recommendations. In the event consensus cannot be reached within the Forum, the rationale behind recommendations made to the PM Team will be explained, along with the general level of support, as well as a summary of the concerns raised. The same practice will be followed by the Stakeholder Forum Work Groups in their reporting to the Forum. "Minority" views will be included in meeting summaries or with the recommendations as appropriate.

Taking a consensus-based approach to decision making does not mean that 100 percent support will be required to move forward with plans or recommendations. It does mean that every effort

will be made to reach consensus, and that opposing points of view will be presented and explained if consensus cannot be reached. Consensus can include situations where participants either “step aside” from or “agree not to oppose” recommendations. Ultimately, the PM Team will take into account the levels of consensus, or lack of consensus, in the Forum when making their decisions on the plan design.

**Meeting Types and Frequency:**

*Stakeholder Forum*

Recognizing the long-term nature of the project, and the need for strong community and government cooperation, the Forum should be used to build strong relationships between its members and the broader South Bay community. To this end, the Forum will meet monthly in the beginning and then less frequently after initiation of the Work Groups.

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

*Forum Work Groups*

Once established, Work Groups will meet monthly, or at an interval considered appropriate given the scope of activities, data needs, timing with other components of the project, among other variables. Work Groups are not empowered to make decisions, but will compile and assess information, and develop recommendations to be considered by the Forum.

**Communicating with Constituent Groups:**

Without the ultimate support of the organizations and interests represented on the Forum, the recommendations coming out of the Forum will have little chance of being considered by the PM Team. Therefore, Forum members commit to maintaining a high level of regular communication with and involvement by their respective stakeholder organizations throughout the entire process.

- Forum members agree to report regularly to their respective organizations on the activities of the Forum and on the status of the evolving restoration plan, likewise, Forum members will report back the views of their organization or constituents.
- Forum members will actively advocate on behalf of any approaches to restoration, flood management and/or public access that they he/she believes constructively contributes to a consensus plan. If a Forum member has a serious problem or objection to any data, analysis or component of the emerging plan, s/he agrees to bring this concern to the Forum or appropriate Work Group directly for discussion and resolution.

**Neutral Facilitation:**

Stakeholder Forum and Work Group meetings will be coordinated and facilitated by the Center for Collaborative Policy.

**Public Participation:**

All meetings of the Forum and Forum Work Groups are open to the public. All interested members of the public are encouraged to attend. Every effort will be made to include comments from the public in the deliberations of each meeting, with a minimum of one public comment period included in the agenda of each meeting.

The PM Team recognizes that this planning effort will result in recommendations involving the public interest, public policy, and investments of public dollars. To ensure accountability to the

public over and above the measures indicated above, this planning effort includes a comprehensive public education and outreach program that will unfold in parallel with the Forum process.

### **Meeting Groundrules:**

The South Bay Salt Ponds Restoration Project Stakeholder Forum agrees to conduct meetings according to the following groundrules:

- All Forum members take responsibility for the overall conduct and outcome of this project.
  - Members agree to speak one at a time.
  - If members need to engage in sidebar conversations, they will step outside the meeting room.
  - Cell phones will be turned off during the Forum meetings.
- It is the joint responsibility of the members to ensure that the principles of collaboration and meeting groundrules are observed. Participants are free to question, in good faith, actions of others that may come within the scope of these groundrules.

### **Meeting Protocols:**

- **Attendance:** Forum and Work Group participants agree to make a good faith effort to participate in all scheduled meetings and activities. The PM Team reserves the option of replacing individuals who miss meetings on a regular basis. Given the long term nature of the project, however, annual assessments will be made to determine if participants are able to continue or if new representatives need to be appointed.
- **Alternates** (*revised by Forum 2/18/04*): The use of alternates is not anticipated or encouraged. If you are not able to attend a specific meeting, you may certainly request another person to attend in your place. But their participation will be limited to observing the proceedings, except under the following conditions: the alternate regularly attends Forum meetings, and the Forum member commits to close and ongoing communication with that alternate on issues before the Forum.. If a Forum member is not able to maintain the commitment to thoroughly briefing his/her appointed alternate, and/or the alternate does not regularly attend the Forum meetings, then the alternate will observe only.
- **Succession** (*added by Forum, 2/18/04*): In the event that a member of the Stakeholder Forum must resign or step down, his or her organization can appoint a replacement. That individual must represent the same organization, community or constituent group as the Forum member whom s/he is replacing. Prior to leaving, the departing Forum member will inform the PM Team and the Forum of his/her intentions. In addition, the departing member will make a good faith effort to brief his/her replacement on the key activities and discussions taking place on the Forum.
- **Agendas:** Each group will develop Agendas with the assistance of the facilitators. If at all possible, draft agendas will be prepared and distributed at least one week before each meeting.
- **Meeting Summaries:** A written summary of each Stakeholder Forum and Work Group meeting will be prepared. These will not be minutes but rather a summary of the key ideas discussed at each meeting. Draft meeting summaries will be distributed before the following meeting so they can be finalized and then posted on the project website.
- **Facilitation:** In addition to facilitating all Forum and Work Group meetings, the facilitation team will also be responsible for communications between meetings, developing and distributing agendas, meeting summaries and other materials necessary for each meeting.

- **Caucuses:** During the course of a Forum meeting, members can, at any time, request a caucus to meet with other interest group members or non-members. The Forum will determine how much time will be allocated for caucuses.
- **Meeting schedules:** Forum members, with input from the PM Team, will establish the schedule for upcoming meetings.

**Safeguards:**

Several safeguards are recommended to create an open, transparent setting for Stakeholder Forum and Work Group participation. These are:

- **Right to Withdraw:** Forum or Work Group members may withdraw at any time without prejudice to themselves or the organization they represent. If applicable, this will be accomplished by providing a written explanation including the effective date of withdrawal.
- **Open Dialogue:** Forum and Work Group members are asked to assist the facilitators in creating and maintaining an atmosphere where everyone feels free to express their views, and where ideas or comments will not be taken out of the context in which they were expressed.
- **Sharing Information:** Forum and Work Group members agree to share all relevant information to which they have access with all other members of the groups (except for confidential business information). In the case of confidential information, efforts will be made to summarize or characterize information to the extent possible and as considered beneficial to the project.
- **Disclosure:** This commitment does not prevent any Forum member from pursuing other activities to advocate for their interests. However, Forum members agree to communicate to other members when and if they become involved in activities that may be perceived as in opposition to or undermining the consensus process of the Forum.
- **Statements to the Media:** Forum and Work Group members agree not to characterize the viewpoints of others when contacted by media representatives about the process, nor to use the media as means to unilaterally influence the process. Group members should express their own viewpoints only.

## **Attachment A**

### Composition of the Stakeholder Forum

- Robert Douglass and Barbara Ransom, Cargill Salt Company
- Margaret Bruce, Silicon Valley Manufacturing Group
- Sandy Olliges, NASA/Ames, Moffett Field
- Peter Dunne, Eden Shores Homes Homeowners Association
- Mike Sellors, National Audubon Society
- Felicia Borrego, Save San Francisco Bay Association
- Melissa Hippard, Loma Prieta Chapter, Sierra Club
- Art Feinstein, Citizens Committee to Complete the Refuge
- Mondy Lariz, Stevens and Permanente Creek Watershed Council, Federation of Fly Fishers
- Janet McBride, Bay Trail
- Ana Ruiz, Mid-Peninsula Open Space District
- Ellen Johnck, Bay Planning Coalition
- Jane Lavelle, San Francisco Public Utilities Commission
- Jim McGrath, Port of Oakland
- Tom Laine, Alviso resident
- Bardette Arellano, Senator Mike Honda's Office
- Denise Stephens, Principal, Mayne Elementary School, Alviso
- Dan Bruinsma, City of San Jose Environmental Services Department
- Phil Bobel, City of Palo Alto Department of Public Works
- John Rusmisl, Alameda County Mosquito Abatement District
- Mayor Julie Miller, City of Sunnyvale
- Councilmember Joseph Hilson, City of Hayward
- Russ Robinson, South Bay Yacht Club, Alviso
- Richard Santos, Director, Santa Clara Valley Water District
- Mark Holmes, The Bay Institute
- Bill Gaines, California Waterfowl Association
- Brad Olsen, East Bay Regional Park District
- Craig Breon, Santa Clara Valley Audubon Society

Note: The most current list of the Forum's composition may be found at:  
[http://www.southbayrestoration.org/structure/stakeholder\\_forums.html](http://www.southbayrestoration.org/structure/stakeholder_forums.html)

## **Attachment B**

### Selection Criteria for Core Stakeholder Group South Bay Salt Pond Restoration Project Application

1. Basic understanding of all of the potential competing goals and objectives of the SBSP project
2. Experience in or familiarity with local collaboratives, restoration projects, public access projects or visioning processes, e.g. Santa Clara Valley Water District's Watershed Management Initiative, Redwood City housing visioning process, ABAG Regional Livability Footprint, San Francisco Joint Venture, local wetlands restoration and/or flood management projects.
3. Demonstrated positive ability to work collaboratively with people with different points of view.
4. Leadership in a constituent group with demonstrated "connectedness" to their local community and an ability to communicate their constituents' concerns effectively.
5. A commitment to report back to their constituent groups and assist with public outreach activities.
6. Interest in developing a fair plan that meets multiple interests and purposes.
7. Can contribute additional expertise or resources to the planning process.
8. Adds to diversity to the core group that reflects the Bay area and the South Bay 'neighborhoods'
9. Can commit to up to a two years of regular meetings of up to 8-10 hours per month, e.g. bi-monthly core group meetings and ongoing smaller working groups. Willing to consider being Chair or Co-chair of a working group for some period of time