

To: Project Management Team and Stakeholder Forum

From: State Coastal Conservancy

Subject: Proposal for Conservancy's Role in Long-Term Institutional Structure

Date: September, 2006 3rd DRAFT

Based on the discussion and outcomes from the Institutional Retreat held on May 2, 2006, the Conservancy proposes a significant role for itself during the implementation and adaptive management stage of the South Bay Salt Pond Restoration Project. This proposal has been presented to and has taken into account feedback from the Project Management Team and Stakeholder Forum.

The major proposed components of the Conservancy's role are to:

1. Work with landowners and local flood control agencies to construct the project.
2. Oversee the Adaptive Management Program.
3. Convene decision-making and advisory groups (public, scientists, and regulatory agencies), in a streamlined organizational structure.
4. Assist with finding necessary funds for implementation, adaptive management, and management of advisory groups, and
5. Conduct public outreach on behalf of the project.

We recommend that the landowners, local flood agencies, and Conservancy develop and sign a Memorandum of Understanding (MOU) that memorializes the institutional structure for implementation and adaptive management. We also recommend that the transition to this new structure occur in the latter half of 2007, prior to actual implementation in 2008.

1. Implementing Phase 1 and Future Phases

We propose that the Conservancy facilitate implementation, in cooperation with the landowners, CA Department of Fish and Game and U.S. Fish and Wildlife Service (USFWS), as well as the local flood control districts, Santa Clara Valley Water District (SCVWD) and Alameda County Flood Control and Water Conservation District.

The Conservancy proposes to:

- Lead the Project Management Team, which is described in the Organizational Structure section below. Decision-making on the details of Phase 1 implementation would be dealt with at the Project Management Team level.
- Ensure that the implementation fulfills the assurances made in the environmental document.
- Contract consultants to prepare plans and specifications for each of the Phase 1 construction efforts, unless another suitable entity assumes this role.
- Identify suitable public agencies or nongovernmental organizations to manage each of the construction efforts that are part of Phase 1 (e.g. Ducks Unlimited, USFWS, SCVWD).
- Determine, in conjunction with the Project Management Team, whether a single new or existing non-governmental organization (NGO) could manage the construction of future phases, or possibly seek legislation that allows the Conservancy to manage the construction of future phases (the Conservancy cannot currently construct projects or provide funds to NGOs for construction efforts on state lands that cost more than \$500k).
- Ensure that the applied studies, monitoring and reporting meet the requirements of the environmental document and any regulatory permits.
- Communicate progress on implementation and provide opportunities for feedback and input, via:
 - An Annual Report to the Stakeholder Forum.
 - Involvement of the Regulatory Agencies in Project Management Team meetings.
 - Discussion at Science Management Team meetings.
 - Public Outreach (brochures, presentations, media outreach, etc.).
- Maintain a list of qualified contractors for monitoring, permitting, and design work.

2. Adaptive Management Program

We propose that the Conservancy manage the Adaptive Management Program in conjunction with the implementation of the project.

The Conservancy proposes to:

- Establish and manage a Science Management Team (described below) that reports to the Project Management Team. The Science Management Team will make recommendations on the design of and priorities for applied studies and monitoring, priorities for modification to Phase 1, and priorities for future phases of implementation. The Science Management Team will provide review and synthesis of applied study and monitoring results and will incorporate other reliable sources of scientific data and information into their recommendations.
- Ensure that the project is implemented in a manner that allows for applied studies, as described in the environmental document. Ensure that monitoring occurs with each implementation activity and that monitoring data are analyzed and made available for decision-making.
- Work with the Project Management Team and Science Management Team to ensure that the results of applied studies and monitoring are used to make design changes to

portions of the project that have already been implemented as well as to future phases.

- Ensure that the overall adaptive management approach of the project is followed; in particular ensure that applied studies and monitoring are used to inform the decision about the total amount of tidal habitat to be restored in the project area.
- Organize complete external reviews of the Adaptive Management program and overall restoration project at least every five years. The findings from these reviews will be distributed broadly.

3. Organizational Structure

The Conservancy proposes to streamline the existing organizational structure for purposes of implementation and adaptive management, and continue to facilitate the various decision-making and advisory groups, as follows and as shown in the organizational chart below:

- The *Project Management Team* will be the decision-making body for implementation and adaptive management. The Project Management Team will be led by the Executive Project Manager with representatives from the Conservancy, the landowning agencies, local flood control districts, and Corps of Engineers, as well as the Lead Scientist. *Regulatory Agency* staff will be invited to participate in Project Management Team meetings and will be notified when their attendance is essential. If necessary, decisions will be elevated to the *Executive Leadership Group*, made up of the heads of the Project Management Team agencies. Two responsibilities of the Project Management Team will be public outreach and fundraising. Project Management Team members, assisted by one to two assistants, will work with other stakeholders, including representatives from environmental or community groups, public works agencies, private foundations, and local businesses or industry, to conduct public outreach and development. These tasks are described further in Section 4 below.
- The *Science Management Team* will be co-managed by the Lead Scientist and Monitoring Program Director and will consist of approximately 8 scientists with a variety of areas of expertise, such as wetland ecology, avian biology, fisheries, botany, hydrology, sedimentation, and water quality. The Science Management Team will report to the Project Management Team, providing a scientific basis for adaptive management decisions, assisting with the development of restoration targets, and measuring project success. Specifically, this group will:
 - Synthesize information from applied studies and monitoring conducted by the project, as well as data from other monitoring efforts, research, and the literature;
 - Develop priorities for applied studies and monitoring for the Project;
 - Provide guidance on study designs;
 - Help develop Requests for Proposals and review applications; and
 - Develop outside peer-review panels for applied studies and monitoring information.

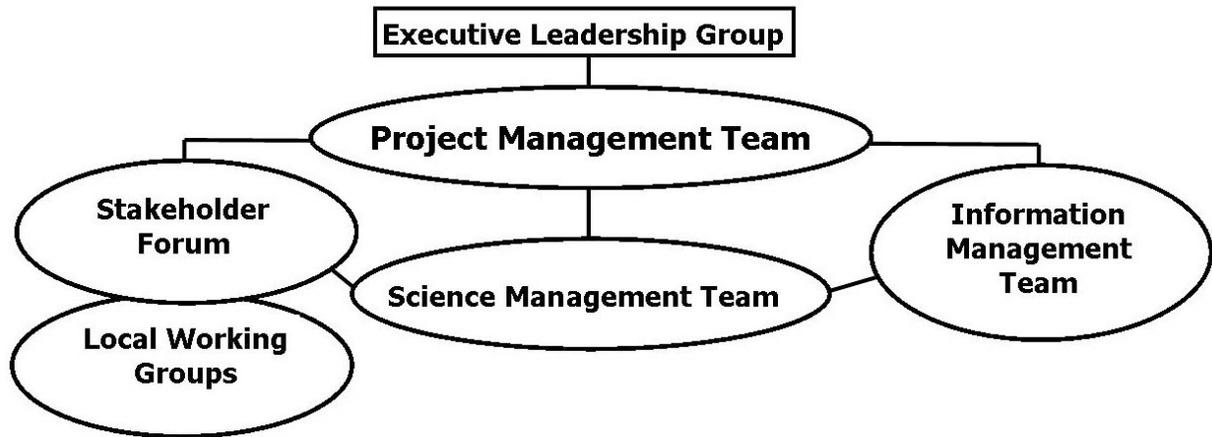
- Coordinate a South Bay Science Symposium every 2 to 3 years, focused on the result of scientific studies and data collection efforts.
- The *Stakeholder Forum* will remain as it is, with approximately 30 core stakeholders with demonstrated ongoing interest in the restoration plan and South Bay shoreline, 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.

A facilitator will lead the Stakeholder Forum meetings. As there will no longer be a formal Local Government Forum, additional local elected officials and staff will be invited to join the Stakeholder Forum. Each year, one meeting of the forum will be dedicated to an Annual Report from the Project Management Team. The report will focus on project accomplishments, lessons learned, and plans for the upcoming year. A second annual meeting will be held as needed for topics such as Shoreline Study progress, implementation of the Adaptive Management Plan, significant scientific findings, and progress on local projects.

- *Local Working Groups* will be established on an ad hoc basis and will meet two to three times per year at project milestones. These working groups will be open to everyone, including Stakeholder Forum members, with a special emphasis on inclusion of local elected officials or staff. The local landowners and flood control districts will participate and a Conservancy representative will chair the meetings. Beginning in late 2007, two working groups will be formed, the Upper Eden Landing Working Group and the Alviso Ponds/Santa Clara County Shoreline Study Working Group. The Alviso Ponds/Santa Clara County Shoreline Study Working Group will meet to provide feedback on the development and analysis of alternatives by the U.S. Army Corps of Engineers, while the Upper Eden Landing Working Group will meet to review preliminary and final design documents (plans and specifications) for construction of tidal wetlands and public access features in the northern half of Eden Landing. The Project Management Team will also make use of existing groups. For example, the Lower Alameda Creek Task Force will be looked to for feedback on plans for the southern half of Eden Landing, and the Alviso Water Task Force will continue to represent the community of Alviso's interests in the project.
- The *Information Management Team* will be responsible for data storage and access, including monitoring and/or GIS data. The Information Management Team will work with the Monitoring Program Director to provide data and reports to the Project Management Team and Science Management Team and to ensure that data from monitoring efforts are made widely available. As part of this effort to distribute

information, the IMT will manage the Project's web site. This team may be managed by staff at the San Francisco Estuary Institute, and will include representatives from other agencies and organizations involved in data management in the South Bay.

ORGANIZATIONAL CHART



- Executive Leadership Group Functions**
- Provide decisions on overall direction of the Project and use of funds
 - Make final decisions on issues involving competing interests between agencies or other big picture issues.

- Project Management Team Functions**
- Determine changes to current Project phases
 - Determine movement along tidal action continuum
 - Determine management actions relative to Triggers
 - Evaluate and make changes to Targets and Triggers
 - Issue RFPs for research and monitoring
 - Set up and respond to Project reviews
 - Develop and let contracts for all Project work
 - Direct public outreach
 - Develop/provide Project funding:
 - Identify funds for final design and implementation
 - Identify funds for Applied Studies and Monitoring

- Stakeholder Forum and Working Group Functions**
- Provide community feedback to PMT
 - Comment on recommendations from SMT
 - Comment on draft decisions from PMT

- Science Management Team Functions**
- Determine science direction for Project w/PMT
 - Interpret results from studies and monitoring for PMT
 - Update Science Syntheses
 - Identify Applied Studies, Modeling and Monitoring needs
 - Recommend changes to current Project phases
 - Assess movement along tidal action continuum and recommend actions for future phases
 - Recommend changes to Targets and Triggers
 - Recommend management actions
 - Set up peer-review for studies, monitoring, and RFPs
 - Develop RFPs for studies, modeling and monitoring
 - Integrate with IMT
 - Hold Science Symposium
 - Produce science reports and publications

- Information Management Team Functions**
- Store and manage data
 - Do simple data analysis
 - Provide data to PMT, SMT and public

The Conservancy proposes the following key staff:

- Two Conservancy staff will work at least 50% of their time on this project, managing the various contracts and agreements.
- One full time Executive Project Manager will oversee the project.
- One part-time (.75) Lead Scientist will co-manage the Science Management Team and sit on the Project Management Team.

- One part-time (.75) Monitoring Program Director will co-manage the Science Management Team and will be charged with overseeing and coordinating monitoring efforts in the South Bay and synthesizing information.
- One part-time (.5) Science Program Assistant will assist the Lead Scientist and Monitoring Program Director.
- One part time Facilitator for the Stakeholder Forum.
- Two part time assistants, one focused on funding and the other on public outreach.
- One to two part time Information Management specialists. This aspect of the project could be administered by the San Francisco Estuary Institute.

4. Funding and Outreach

The Conservancy proposes to lead the effort to identify and pool funding for the implementation, including funds for adaptive management and management of the organizational structure. There are several opportunities for funding that the Conservancy will pursue with its partners, including State bond money, local benefit assessment districts or other local funding devices, federal appropriations to the USFWS or Corps of Engineers, funds from private foundations, corporations, and individuals, and funds for mitigation or in lieu of fines from public and private entities. Funding for applied studies can, in part, be achieved through coordination with universities and research groups. The Conservancy will work with its non-profit, the Coastal Conservancy Association, to manage private funds. In addition, the Conservancy has the authority to accept and disburse public and private funds.

The greatest challenge will be to develop a stable funding stream. Without steady annual funding, the adaptive management program will not be implemented successfully. The Conservancy proposes to work with the Project Management Team to pursue funding in a coordinated regional manner, instead of each partner separately applying for funds for subcomponents of the project. Decision-making on the use of funds will also be led by the Conservancy, in conjunction with the Project Management Team and taking into account the priorities recommended by the Science Management Team.

Over the next two years, the Project Management Team will also work to engage the public in the project, to generate support and get feedback on project activities. As the project nears implementation, the Project Management Team will define geographic sub-areas in the South Bay, establish local working groups, and involve these groups in the final design, implementation, and monitoring of on the ground activities.