Stakeholder and Organizational Assessment Findings and Recommendations

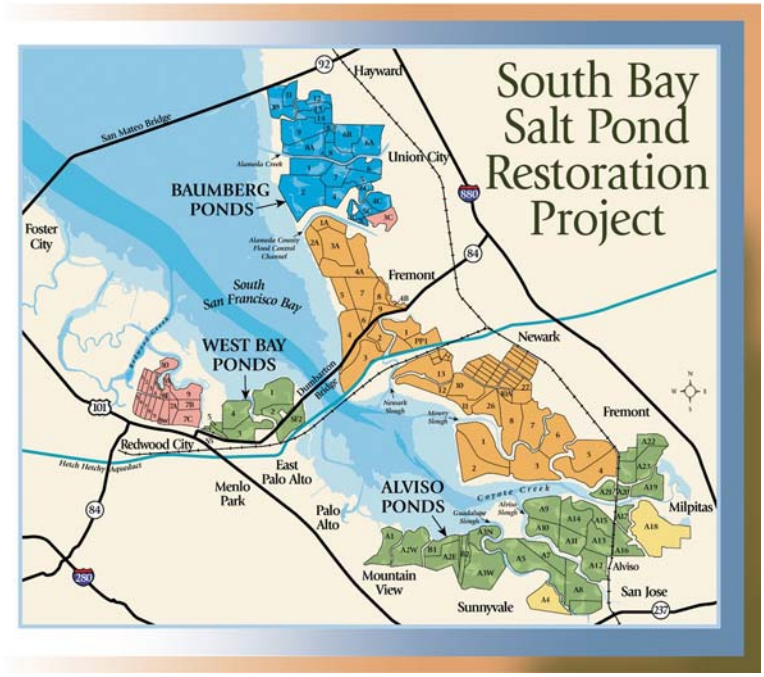
Submitted to:
California State Coastal Conservancy
U.S. Fish & Wildlife Service
California Department of Fish and Game

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

October 2003

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.

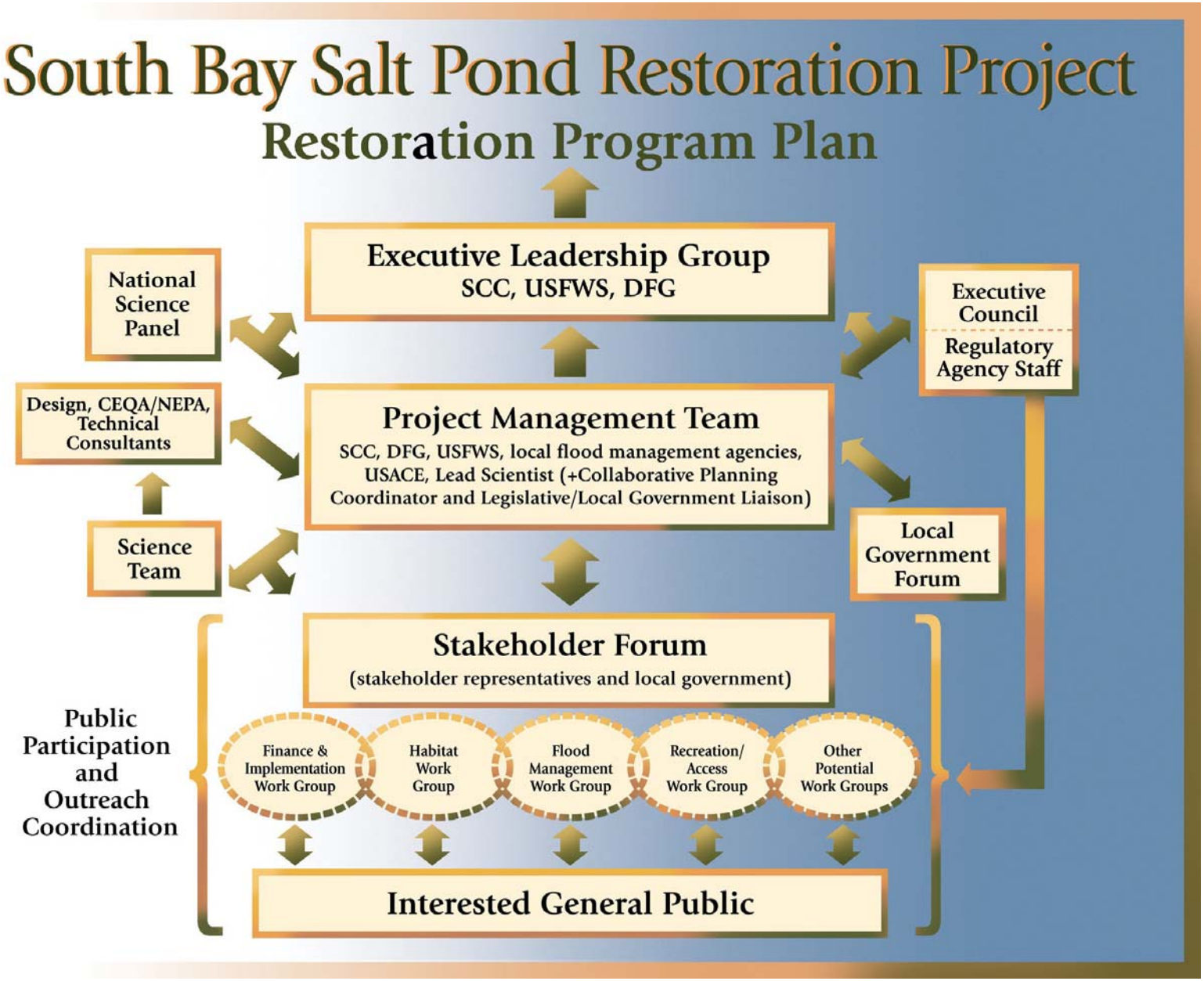
Use of consultants in the planning process:
A majority of respondents support the use of outside consultants but are concerned about consultants becoming decision-makers, and about related conflict of interest problems.

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

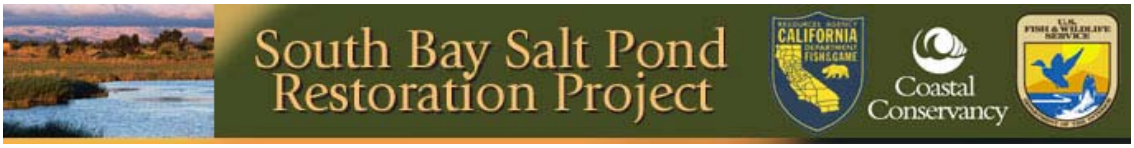
Detailed recommendations for the general public are outlined in the *Public Outreach Strategy*, published in partnership with this report, but under separate cover.

Appendix A: Persons Interviewed for Assessment Process

First Name	Last Name	Organization
Jim	Allison	Capitol Corridor Joint Powers Authority
Hugh	Barroll	USEPA
Loretta	Barsamian	Regional Water Quality Control Board
Crawford	Beveridge	Sun Microsystems
Craig	Breon	Santa Clara Valley Audubon Society
Margaret	Bruce	Silicon Valley Manufacturing Group
Dan	Bruinsma	City of San Jose, Env. Service Dept.
Dan	Buford	USFWS
Ellie	Cohen	Point Reyes Bird Observatory
Nancy	Cole	Gordon & Betty Moore Foundation
Mike	Conner	San Francisco Estuary Institute
Grant	Davis	Bay Institute
Frank & Janice	Delfino	Citizen's Committee to Complete the Refuge
Robert	DouglasS	Cargill Salt
Gladwyn	D'Souza	Walk San Jose
Jim	Fiedler	Santa Clara Valley Water District
Bill	Gaines	California Waterfowl Assoc.
Mark	Green	Mayor, City of Union City
Carl	Guardino	Silicon Valley Manufacturing Group
Janet	Hanson	San Francisco Bay Bird Observatory
Mike	Hennelly	California Waterfowl Assoc.
Robert	Hight	DFG
Joseph	Hilson	City of Hayward
Nadine	Hitchcock	California State Coastal Conservancy
Marc	Holmes	Bay Institute
Beth	Huning	San Francisco Bay Joint Venture
Amy	Hutzel	California State Coastal Conservancy
Ellen	Johnck	Bay Planning Coalition
Ralph	Johnson	Alameda County Flood Control District
Marge	Kolar	San Francisco Bay National Wildlife Refuge
David	Kutrosky	Capitol Corridor Joint Powers Authority
Tom	Laine	Alviso Business Owner
Florence & Phillip	LaRiviere	Citizen's Committee to Complete the Refuge
Eugene	Leong	Association of Bay Area Governments
Michele	Lew	Assemblyman Joe Simitian's office (Palo Alto)
David	Lewis	Save The Bay
Kip	Lipper	Chief of Staff (Sen. Byron Sher)
Greg	Lyman	San Francisco International Airport
Janet	McBride	Bay Trail
Colonel Michael	McCormick	USACE -SF District
Julia	Miller	Mayor, City of Sunnyvale
Mike	Monroe	USEPA
Steve	Moore	Regional Water Quality Control Board
Clyde	Morris	San Francisco Bay National Wildlife Refuge
Gus	Morrison	Mayor, City of Fremont
Deena	Mossar	Mayor, City of Palo Alto
Mary	Nichols	Secretary of California Resources Agency
Cynthia	Nielsen	USACE -SF District
Leo	O'Brien	San Francisco BayKeeper
Brad	Olson	East Bay Regional Park District
Barbara	Pierce	Redwood City City Council

Appendix A: Persons Interviewed for Assessment Process

First Name	Last Name	Organization
Tim	Ramirez	State of CA Resources Agency
Arijs	Rakstins	USACE -SF District
Chuck	Reed	City Council Member, City of San Jose
Fritz	Reid	Ducks Unlimited
Steve	Ritchie	URS Corp
Russ	Robinson	South Bay Yacht Club
Diane	Ross-Leech	Pacific Gas & Electric
Keith	Rubin	California Waterfowl Assoc.
John	Rusmisel	Alameda County Mosquito Abatement District
Jeff	Rutherford	Marine Science Institute
Richard	Santos	Santa Clara Valley Water District
Sam	Schuchat	California State Coastal Conservancy
Mary	Scoonover	Resources Law Group
Michael	Sellors	National Audobon Society
Stuart	Siegel	Wetlands and Water Resources
Liz	Smith	Senator Liz Figueroa
Ted	Smith	Silicon Valley Toxics Coalition
Jim	Stallman	Regional Bicycle Advocacy Coalition
Michael	Stanley-Jones	Clean Water Action/Loma Prieta Sierra Club
Steve	Thompson	US FWS
Will	Travis	BCDC
Jim	Tucker	San Jose Silicon Valley Chamber of Commerce
Eric	Werwa, Ph.D.	in Senator Mike Honda's office
Carl	Wilcox	California Dept. of Fish & Game
Phil	Williams	Phillip Williams & Associates
Al	Wright	California Wildlife Conservation Board
Patrick	Wright	California Bay Delta Authority



Stakeholder Forum Membership

Representative		Affiliation
Bernardette	Arellano	Senator Mike Honda's office
Phil	Bobel	City of Palo Alto, Public Works Dept.
Felicia	Borrego	Save The Bay
Craig	Breon	Santa Clara Valley Audubon Society
Margaret	Bruce	Silicon Valley Manufacturing Group
Dan	Bruinsma	City of San Jose, Environmental Services
Robert	Douglas	Cargill Salt
Peter	Dunne	Eden Shores Community
Arthur	Feinstein	Citizens Committee to Complete the Refuge
Bill	Gaines	California Waterfowl Association
Joseph	Hilson	City of Hayward
Melissa	Hippard	Sierra Club, Loma Prieta Chapter
Marc	Holmes	Bay Institute
Ellen	Johnck	Bay Planning Coalition
Rochelle	Johnson	Environmental Justice Coalition for Water
Thomas	Laine	Alviso Resident
Mondy	Lariz	Federation of Flyfishers - N. California
Jane	Lavelle	San Francisco Public Utilities Commission
Janet	McBride	San Francisco Bay Trail
Jim	McGrath	Port of Oakland
Julia	Miller	City of Sunnyvale
Sandy	Olliges	NASA Ames Research Center
Brad	Olson	East Bay Regional Park District
Barbara	Ransom	Cargill Salt
Russ	Robinson	California Recreational Boaters of California
Ana	Ruiz	Midpeninsula Regional Open Space District
John	Rusmiel	Alameda County Mosquito Abatement District
Michael	Sellors	National Audobon Society
Denise	Stephens	Mayne Elementary School

South Bay Salt Pond Restoration Project

Flood Management Work Group

Staff Contact Information:

Project Management Team Leads:

Amy Hutzel, California Coastal Conservancy	510/286-4180	ahutzel@scc.ca.gov
Jim Fiedler, Santa Clara Valley Water District	408/265-2600	jfiedler@valleywater.org
Beth Dyer, Santa Clara Valley Water District	408/265-2600 x3125	bdyer@valleywater.org
Ralph Johnson, Alameda County Flood Control Dist.		joh19701@comcast.net
Austin McInerny, Center for Collaborative Policy	510/981-1124	amcinerny@ccp.csus.edu

Tentative Work Group Agendas:

Meeting #1: Wednesday, February 18, 2004

1. Protocols for providing feedback to Stakeholder Forum and PM Team
2. Review PWA "critical path" topics/issues
3. Review suggested topics list (generated from Data Gaps Workshop and from assessment interviews) and identify other key issues

Meeting #2: Monday, March 26, 2004

1. Status and feedback to PWA on data sources/summary plan
2. Input on initial detailed project objectives
3. Envisioning flood management approaches

Meeting #3: Thursday, April 15, 2004

1. Review/ input on Opportunities and Constraints
2. Review/input on Alternative Development Methodology

SUGGESTED KEY TOPICS

- Opportunities and constraints for improving tidal flood protection
- Opportunities and constraints for improving alluvial flood protection
- Water quality impacts of changes in flood management
- Water quality impacts of restoration activities
- Synergies between urban water treatment and salt pond conversion options
- Developing partnerships with local flood agencies for long-term mutual benefit

Meeting #4: June

1. Early preview of initial flood management concepts
2. Review of detailed project objectives, initial evaluation criteria, and alternative evaluation methodology draft memo

Meeting #5: July

1. Early Review/input/recommendations to Forum on initial flood management concepts
2. Review detailed project objectives, initial evaluation criteria, and alternative evaluation methodology draft memorandum

Meeting #6: October

1. Update/Provide comments on Initial Restoration Alternatives Memorandum

Meeting #7: December

1. Debrief on Public Scoping Meetings
2. Screening of Restoration Concepts

South Bay Salt Pond Restoration Project

Coastal Conservancy

Habitat Restoration Work Group

Staff Contact Information:

Project Management Team Leads:

Carl Wilcox, California Department of Fish & Game	707/944-5525	cwilcox@dfg.ca.gov
John Krause, California Department of Fish & Game	415/454-8050	jkrause@dfg.ca.gov
Dr. Lynne Trulio, San Jose State University	650/474-0688	ltrulio@earthlink.net
Mary Selkirk, Center for Collaborative Policy	510/527-7075	mselkirk@ccp.csus.edu

Tentative Work Group Agendas:

Meeting #1: Wednesday, February 18, 2004

1. Protocols for providing feedback to Stakeholder Forum and PM Team
2. Review PWA "critical path" topics/issues
3. Review suggested topics list (generated from Data Gaps Workshop and from assessment interviews) and identify other key issues

Meeting #2: Friday, March 26, 2004

1. Status and feedback to PWA on data sources/summary plan
2. Input on initial detailed project objectives
3. Overview of mercury cycling and management strategies
4. Envisioning habitat restoration approaches

Meeting #3: Thursday, April 15, 2004

1. Review/ input on Opportunities and Constraints
2. Review/input on Alternative Development Methodology

Meeting #4: June

1. Early preview of initial flood restoration concepts
2. Review of detailed project objectives, initial evaluation criteria, and alternative evaluation methodology draft memo

SUGGESTED KEY TOPICS

- Optimal habitat mixes and trade-offs
- Optimal locations and connectivities
- Human impacts on different plant and animal species;
- Concepts for minimizing human impacts
- Effects of mercury methylation and options for remediation
- Sediment requirements
- Multiple time frame restoration concepts
- Vector control
- Predation management
- Integrating with other ongoing and future restoration activities
- Developing partnerships with local communities
- Impacts of different types of salt pond restoration on Bay water quality
- Managing invasive plant and animal species

Meeting #5: July

1. Review/input/recommendations to Forum on initial restoration concepts
2. Review detailed project objectives, initial evaluation criteria, and alternative evaluation methodology draft memorandum

Meeting #6: October

1. Update/Provide comments on Initial Restoration Alternatives Memorandum

Meeting #7: December

1. Debrief on Public Scoping Meetings and 2. Screening of Restoration Concepts

South Bay Salt Pond Restoration Project

Public Access/Recreation Work Group

Project Staff Contact Information:

Project Management Team Leads:

Marge Kolar, U.S. Fish & Wildlife Service	510/792-0222	margaret_kolar@r1.fws.gov
Clyde Morris, U.S. Fish & Wildlife Service	510/792-0222	clyde_morris@r1.fws.gov
John Krause, Department of Fish & Game	415/454-8050	jkrause@dfg.ca.gov
Dr. Lynne Trulio, San Jose State University	650/474-0688	ltrulio@earthlink.net
Austin McInerny, Center for Collaborative Policy	510/981-1124	amcinerny@ccp.csus.edu

Tentative Work Group Agendas:

Meeting #1: Wednesday, February 18, 2004

1. Protocols for providing feedback to Stakeholder Forum and PM Team
2. Review PWA "critical path" topics/issues
3. Review suggested topics list (generated from Data Gaps Workshop and from assessment interviews) and identify other key issues

Meeting #2: Thursday, April 1, 2004

1. Status and feedback to PWA on data sources/summary plan
2. Input on initial detailed project objectives
3. Envisioning new recreation/public access approaches

Meeting #3: Thursday, April 15, 2004

1. Review/ input on Opportunities and Constraints
2. Review/input on Alternative Development Methodology
3. Review/input on existing recreation demand and features

SUGGESTED KEY TOPICS

- Optimal and feasible public access and recreation improvements
- Geographic opportunities and constraints
- Species opportunities and constraints
- Existing pond access improvements
- Integrating with existing and future recreation plans
- Developing partnerships with local communities

Meeting #4: June

1. Early preview of initial recreation/access concepts
2. Review of detailed project objectives, initial evaluation criteria, and alternative evaluation methodology draft memo

Meeting #5: July

1. Review/input/recommendations to Forum on initial recreation/access concepts
2. Review detailed project objectives, initial evaluation criteria, and alternative evaluation methodology draft memorandum

Meeting #6: October

1. Update/Provide comments on Initial Restoration Alternatives Memorandum

Meeting #7: December

1. Debrief on Public Scoping Meetings
2. Screening of Restoration Concepts