

Suggested Refinements to BDCP Governance Proposal
Reflected in September 23 Graphic
October 1, 2010
Version 2

1. The scope of this governance proposal relates to the implementation of the BDCP. If over the course of implementation, topics outside of the BDCP arise, undertaking actions on those topics as a matter of the BDCP will occur only upon necessary plan modifications.
2. A single program manager will oversee and guide program implementation. The holders of the major permits/authorizations will designate their program leads to work with the program manager to assist with program implementation.
3. Existing authorities of federal, state and non-governmental personnel and entities remain unchanged. The program manager has no delegated federal or state authority per se, but may be delegated certain specific authorities by the appropriate holder of such authority.
4. The staffing of the Implementation Office may include federal, state or SFCWA personnel, or staff from other sources, who will act under the direction of the program manager.
5. Program implementation will be assisted by a BDCP Implementation Board (or alternative name) consisting of approximately 10 members (please see 9/23/2010 graphic).
6. The Board will receive information on the implementation of the BDCP generally, and will have the opportunity to review proposed annual work plans, budgets, the acquisition of land and water interests, and major aspects of the Adaptive Management actions of the annual plan.
7. An individual member of the Board will have the right to object to any proposal of the program manager concerning the annual work plans, budgets, the acquisition of land and water interests, and the major elements of the Adaptive Management elements of the annual plan on the basis that the proposal (i) will not adequately contribute to achievement of the goals and objectives of the BDCP or (ii) is inconsistent with the requirements of the plan or the permits/authorizations. The Board member may elevate the matter to the relevant federal regional directors or state agency heads or other appropriate authorities, as determined by the locus of responsibility for the action. A simplified process for taking up such objections and responding to them in an orderly and timely manner will be afforded to Board members, including a process to elevate appropriate matters for decision to the responsible official, be it a federal or state Cabinet level official or their designee, or by another corresponding authority for other responsible entities, such as a Delta Conservancy or a state or federal water contractor. As required by existing law, final responsibility for plan implementation and permit compliance remains with the permitting agencies and the holders of those permits and authorizations.

8. The BDCP governance proposal (including the objection procedure above) will ensure the timely implementation of plan commitments.
9. A BDCP Stakeholder Committee with a larger membership than the Implementation Board will be constituted to receive information and briefings on plan implementation, and provide the opportunity for Committee members to express their views on implementation issues.
10. The federal and state project operators will continue to prepare coordinated annual operating plans for the federal and state projects. These annual operating plans will be included by the program manager into the overall BDCP annual program implementation plan described above. Real time water operations will be governed by a separate Water Operations Team as earlier proposed.
11. Matters relating to the conduct of scientific reviews, and the acquisition of independent scientific advice to assist in the implementation of the BDCP, shall be conducted in a manner that ensures their independence and scientific integrity.

Process for Hiring the Program Manager

1. The general qualifications of the Program manager will be described in the governance section of the BDCP.
2. The holders of the major permits/authorizations for the BDCP will solicit candidates for the position, and shall provide their recommendations to the Board for its review and comments.
3. The holders of the major permits/authorizations shall by consensus select the Program Manager after taking into account the views of other Board members, and in close consultation with the federal and state fishery agencies.

Governance – BDCP Implementation Structure

