

CHAPTER 7. IMPLEMENTATION STRUCTURE

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CHAPTER 7. IMPLEMENTATION STRUCTURE

This chapter describes the institutional structure and organizational arrangements that will be established to govern and implement the BDCP, and sets out the roles, functions, authorities, and responsibilities of the various entities that will participate in plan implementation. The implementation structure is designed to ensure that sufficient institutional expertise, capacity, resources, and focus are brought to bear to accomplish the goals and objectives of the BDCP.

The BDCP implementation structure will help ensure effective and efficient plan implementation and ongoing compliance with the terms and conditions of the plan and its associated regulatory authorizations. This implementation approach will also facilitate the clear delineation of roles and responsibilities among the range of public and private entities participating in the process and help define the nature of their engagement. This approach further reflects the commitment to maintain and encourage ongoing collaboration among the range of public and private parties with interest in the Delta, and to facilitate adaptive and responsive plan implementation, guided by new information and scientific understanding.¹

The approach to plan governance set out in this chapter has been designed solely to facilitate the implementation of BDCP actions. If over the course of plan implementation matters arise that are outside the scope of the BDCP, any proposed actions related to those new matters may be implemented through the BDCP only upon appropriate modifications and/or amendments to the Plan.

The BDCP implementation structure will be organized around a new “BDCP Implementation Office (IO),” which will have responsibility for plan implementation and oversight (Figure 7-1). The Implementation Office will operate under the direction of a BDCP Program Manager, who will coordinate implementation actions with the authorized entities/permittees, the State and federal contractors, the fish and wildlife agencies, and a range of stakeholders and other interests. The State and federal fish and wildlife agencies will maintain the roles described in this chapter to assure that such implementation is consistent with regulatory authorizations issued pursuant to the BDCP. In addition, a “BDCP Implementation Board” will be established to assist with BDCP implementation, and will consist of representatives of the Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (USBR), the State and Federal Contractor Water Authority (SFCWA), the State and federal fish and wildlife agencies, and certain other entities as described later in this chapter. Additionally, a “BDCP Stakeholder Committee” will be created to serve as a forum in which other public agencies, non-governmental organizations, interested parties, and the public may offer recommendations regarding BDCP implementation. The Implementation Office will also coordinate with the newly-created Delta Stewardship Council, Delta Science Program, and Sacramento-San Joaquin Delta Conservancy (Delta Conservancy) to

¹ The BDCP implementing agreement provides further explanation of specific roles and responsibilities regarding plan implementation and sets out the legal rights and obligations of the entities with responsibilities for BDCP implementation.

1 ensure appropriate engagement and collaboration on matters of common interest. This approach
2 to plan implementation is expected to ensure the timely, efficient, and proper implementation of
3 the commitments reflected in the BDCP.

4 **7.1 ROLES AND RESPONSIBILITIES OF ENTITIES INVOLVED IN BDCP** 5 **IMPLEMENTATION**

6 The BDCP Implementation Office (IO) will be established to manage the implementation of the
7 BDCP, and to ensure ongoing compliance with the Plan, the Implementing Agreement, and the
8 associated regulatory authorizations. Various other parties will be integral to the process of
9 shaping decisions and effectuating actions set out in the BDCP. This section describes the roles
10 and responsibilities of the Implementation Office and of the various other participants in the
11 implementation process.

12 **7.1.1 The BDCP Implementation Office and Program Manager**

13 The IO will direct the implementation of the BDCP (Figure 7-1). The IO will be led by the
14 BDCP Program Manager.

15 **7.1.1.1 Implementation Office: Establishment, Organization, and Functions**

16 The BDCP IO will be responsible for implementing, coordinating, overseeing, and reporting on
17 all aspects of plan implementation. The IO will assure that the BDCP conservation measures,
18 including those related to protection and restoration of habitat; reduction of ecological stressors;
19 management of conserved habitat; and operation of the water projects, including the
20 development of infrastructure (in its role as reviewer), are properly implemented throughout the
21 life of the Plan. The IO will further oversee and effectuate the adaptive management program;
22 monitoring, data collection, and scientific research efforts; annual and five-year workplans,
23 budget, and report preparation; and the public outreach process. To ensure that the commitments
24 reflected in the BDCP are carried out in a timely and efficient manner, the IO will institute
25 processes and procedures to adequately address planning, budgeting, sequencing, and scheduling
26 needs related to plan implementation.

27 The IO may enlist other entities to carry out actions associated with conservation measures or
28 other implementation tasks on behalf of the IO (see “Supporting Entities,” below).
29 Notwithstanding the assignment of such responsibilities to other entities to implement projects or
30 actions, the IO will be responsible for ensuring that the work is performed in a manner that
31 complies with the terms and conditions of the BDCP and its associated regulatory authorizations
32 and are properly and fully implemented. As part of that responsibility, the IO will engage and
33 monitor those entities that become involved in aspects of plan implementation. Those entities,
34 and the roles and responsibilities they are likely to assume, are generally identified in this chapter
35 and depicted in the organizational framework in Figure 7-1.

1 The Program Manager will be responsible for contract management where other entities are
2 engaged through contracts to support the implementation of the BDCP.

3 The IO will function with a significant level of independence and autonomy from its member
4 entities. The staff of the IO will work closely with these agencies on a range of matters,
5 particularly with respect to actions that affect water operations.

6 The IO will not be involved in the development or operation of SWP and/or CVP facilities;
7 instead, it will monitor those operations to assemble the information necessary to evaluate and
8 report on compliance with the terms and conditions of the Plan and the authorizations/permits.
9 The BDCP sets out the parameters within which DWR and the USBR will carry out CVP and
10 SWP operations and infrastructure development. DWR and USBR may chose to operate the
11 projects and develop new infrastructure using their current organizational capacity or by contract
12 with other entities.

13 The IO will budget for and manage the funds and other resources needed to carry out its
14 responsibilities for plan implementation. The authorized entities/permittees will dedicate, hold
15 and release funds and resources necessary for plan implementation, and will not comingle them
16 with other funds or resources of those agencies. The authorized entities/permittees will be
17 responsible for all appropriated funds and other funds entrusted to them.

18 The IO will assume responsibility for the implementation of a broad range of actions, including:

- 19 • Administration of program funding and resources;
- 20 • Preparation of annual budgets and work plans;
- 21 • Establishment of procedures to implement plan actions;
- 22 • Oversight of and engagement in the implementation of conservation measures;
- 23 • Management of the monitoring and research and adaptive management programs;
- 24 • Implementation of public outreach program; and
- 25 • Fulfillment of compliance monitoring and reporting requirements.

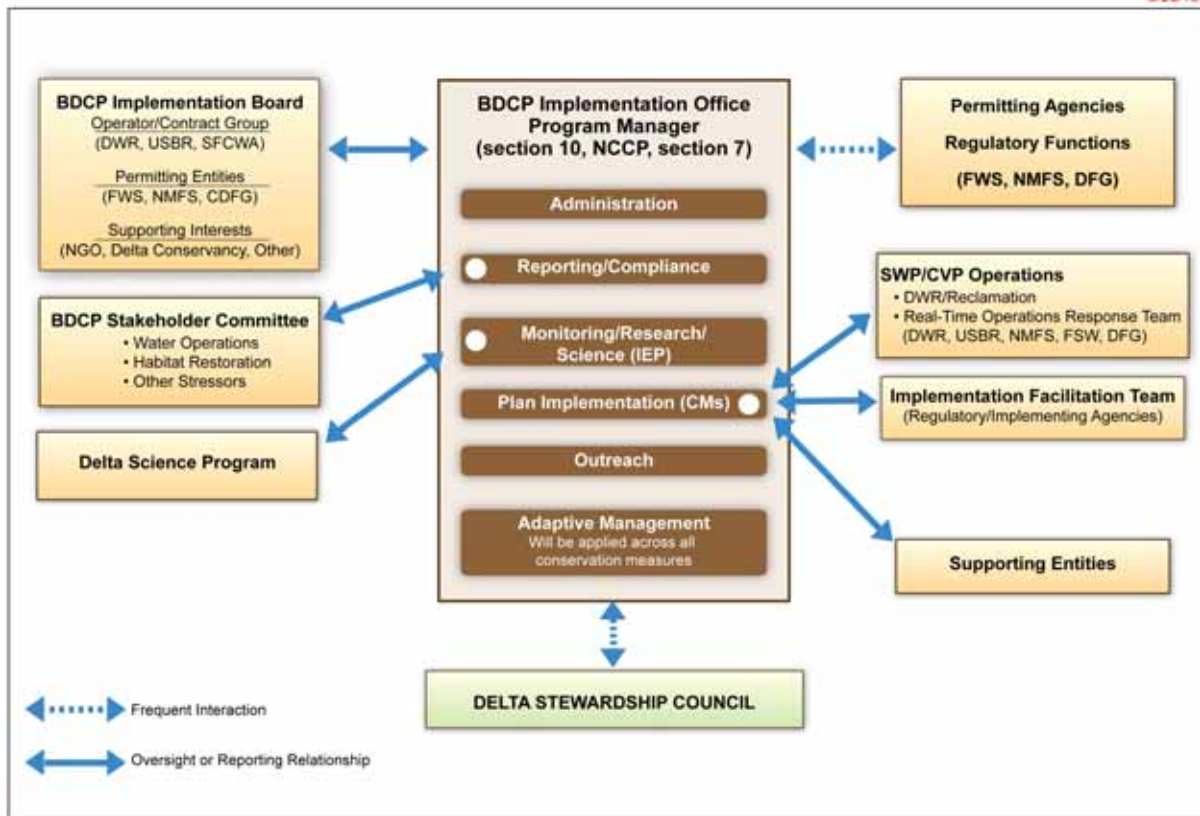


Figure 7-1. Governance: BDCP Implementation Structure

1 The IO will also have responsibility for coordinating with the Delta-wide governance entities
 2 (see Section 7.2.7. *Coordination with the Delta Stewardship Council, the Delta Science*
 3 *Program, and the Delta Conservancy*) and managers of upstream operations (see Section 7.2.5,
 4 *Coordination with the Authorized Entities/Permittees, Implementation Board, Supporting*
 5 *Entities, and Stakeholder Committee*).

6 The specific roles and responsibilities of the IO are described in further detail in sections 7.2
 7 *Implementation Office Administration*, 7.3 *Implementation of the Conservation Strategy*, and 7.4
 8 *Regulatory Compliance Related to BDCP Implementation*, and 7.5 *Public Outreach*.

9 **7.1.1.2 Program Manager: Selection and Designation of Staff**

10 A single BDCP Program Manager will direct and oversee implementation of the IO's
 11 responsibilities for BDCP implementation. The authorized entities/permittees will each
 12 designate a lead representative from their respective agencies to assist the Program Manager with
 13 plan implementation. The Program Manager may fulfill the staffing needs of the IO by drawing
 14 from existing personnel at DWR, USBR, SFCWA, and other sources, as appropriate. Staff of the
 15 IO will act under the direction of the Program Manager. The engagement of personnel from
 16 DWR, USBR, and other entities in the IO, however, will not affect or modify the existing

1 authorities of federal, state, and local agencies or non-governmental organizations that pertain to
2 personnel matters

3 The holders of the major permits/authorizations (including DWR and USBR) for the BDCP will
4 solicit candidates for the Program Manager position, and will provide their recommendations to
5 the Implementation Board for its review and comments. A definition of “holders of major
6 permits/authorizations” is provided in Section 7.1.2 *Authorized Entities/Permittees*. The holders
7 of the major permits/authorizations will, by consensus, select the Program Manager after taking
8 into account the views of other Implementation Board members, and after consulting with the
9 federal and State fish and wildlife agencies. The general qualifications of the Program Manager
10 will be:

- 11 • Minimum 10 years experience in natural resources management;
- 12 • Familiarity with complex natural resources issues including water resources issues;
- 13 • Experience with multi-stakeholder processes;
- 14 • Experience with the administration or management of large programs or projects; and
- 15 • Excellent communication skills.

16
17 The specific roles and responsibilities of the Program Manager are described in further detail in
18 sections 7.2 *Implementation Office Administration*, 7.3 *Implementation of the Conservation*
19 *Strategy*, and 7.4 *Regulatory Compliance Related to BDCP Implementation*, and 7.5 *Public*
20 *Outreach*.

21 **7.1.1.3 No Delegation of Authority**

22 The formation of the IO will not alter or modify existing authorities, mandates, and obligations
23 of the participating State and federal agencies. To effectively implement the BDCP, the IO will
24 be assigned certain responsibilities by DWR and/or USBR. However, no specific delegation of
25 authority by DWR and/or USBR to the IO is expected to occur except that which allows for the
26 efficient operation of the IO. Any such delegations will be in writing and will be updated from
27 time to time.

28 **7.1.2 Authorized Entities/Permittees**

29 [*Note to Reviewers. At this time, all of the specific authorized entities and permittees under the*
30 *BDCP have not been identified. DWR and USBR will be authorized entities/permittees. In*
31 *addition, the SFCWA may also be a permittee, but this decision is still under consideration. The*
32 *term “holders of the major permits/authorizations” is used in this chapter, but has not yet been*
33 *defined, though DWR and USBR will be included in this category. The SFWCA may be a major*
34 *permit/authorization holder, but this decision is still under consideration.*]

35 The BDCP authorized entities/permittees comprise all entities that will receive take
36 authorizations pursuant to the federal ESA, the NCCPA, and/or CESA on the basis of the Plan.

1 DWR, USBR, and Mirant² will be authorized entities/permittees. Additional entities may be
2 included as authorized entities/permittees.

3 DWR and USBR will be major permit/authorization holders. Major permit/authorization holders
4 are afforded additional responsibilities, such as selection of the Program Manager. Mirant will
5 not be a major permit holder.

6 **7.1.3 Implementation Board**

7 A BDCP Implementation Board will be established to provide a venue through which the
8 implementation plans of the IO, as described in the BDCP, can be reviewed and commented
9 upon.

10 **7.1.3.1 Membership**

11 The Implementation Board will consist of approximately 10 members, including DWR, USBR,
12 representatives of other authorized entities/permittees, the SFCWA, the State and federal fish and
13 wildlife agencies, and certain other entities (including an NGO, and the Delta Conservancy) that
14 will have a significant role in supporting the implementation of the Plan.

15 **7.1.3.2 Function**

16 The Implementation Board will receive information from the IO and other sources on the
17 implementation of the BDCP generally, and will have the opportunity to review proposed annual
18 work plans, budgets, the acquisition of land and water interests, and major aspects of the
19 adaptive management actions described in the Annual Workplan and Budget. The primary
20 function of the Implementation Board is to review and accept the Annual Workplan and Budget
21 as proposed by the IO. Content and timing of the Annual Workplan and Budget is described in
22 Section 6.2 *Compliance and Progress Reporting*. The Annual Workplan and Budget will be
23 final once (i) consensus is reached by Board or (ii) final decisional authority resolves any
24 objection (see *Dispute Resolution*, below). The Board will convene periodically thereafter as
25 needed to review issues that arise in the implementation of the annual plan.

26 The Implementation Board will consider such matters as:

- 27 • Candidates for the Program Manager position;
 - 28 • Annual work plans and budgets; and
 - 29 • Adaptive management changes.
- 30

² Mirant will be responsible for all of their own operations separate from the operations of the SWP, CVP, and any other entities involved in BDCP implementation. Mirant will be responsible for implementing BDCP actions specifically identified for them in the BDCP. Mirant may become a member of the Stakeholder Committee.

1 **7.1.3.3 Dispute Resolution**

2 With respect to those matters that are considered by the Implementation Board, it is expected that
3 reasonable efforts will be made to provide input to the Program Manager that reflects a
4 consensus of the members. Consensus is reached when a position reflects the predominant
5 opinion of the board members. A board member, however, will have the right to object to any
6 proposal of the Program Manager concerning the annual work plans, budgets, the acquisition of
7 land and water interests, and the major elements of the adaptive management program. Such
8 objections may be made on the basis that the proposal (i) will not adequately contribute to
9 achievement of the goals and objectives of the BDCP or (ii) is inconsistent with the requirements
10 of the Plan and/or the permits/authorizations.

11 The board member may elevate the matter to the regional director(s) of the relevant federal
12 agency, to the director(s) of the relevant state agency, or to other appropriate authorities, as
13 determined by the locus of responsibility for the action (see examples below). A simplified
14 process for considering and responding to such objections in an orderly and timely manner will
15 be established, including a process to elevate appropriate matters for decision to the responsible
16 official, be it a federal or State cabinet-level official or their designee, or another corresponding
17 authority for other responsible entities, such as a Delta Conservancy, the SFWCA, or a State or
18 federal water contractor. As required by existing law, final responsibility for plan
19 implementation and permit compliance will remain with the holders of those permits and
20 authorizations. The objection procedure will ensure the timely implementation of plan
21 commitments.

22 Examples of locus of responsibility:

- 23 • DWR would be responsible for actions that affect facilities or operations of the SWP;
- 24 • USBR would be responsible for actions that affect facilities or operations of the CVP-;
- 25 • USACE would be responsible for actions that affect project levees or other USACE
26 controlled flood facilities;
- 27 • SFCWA would be responsible for actions that would result in changes to costs of
28 conservation measures;
- 29 • Delta Conservancy would be responsible for projects charged to the Delta Conservancy
30 through State legislation.

31 Dispute resolution procedures will be established by the Board and included in the Board's
32 bylaws within two (2) months after the Board convenes for the first time.

1 **7.1.4 DWR and USBR: Operation of the SWP and CVP**

2 Implementation of the conservation measures related to water facilities and water operations, as
3 described in Chapter 3 *Conservation Strategy*, will be the responsibility of DWR and USBR or
4 entities with whom they may contract. DWR and USBR will retain their authority to operate the
5 SWP and the CVP within the parameters of the BDCP and other applicable laws and regulations.

6 The federal and state operators of the CVP and the SWP will continue to prepare coordinated
7 annual operation plans for the federal and state Projects, including the Annual Water Operations
8 Strategy as described in as described in Section 6.2, *Compliance and Progress Reporting*. The
9 IO will incorporate these annual operating plans into the BDCP Annual Workplan and Budget
10 (as described in Section 6.2, *Compliance and Progress Reporting*).

11 Decisions related to “real time” water operations will be the responsibility of the Real Time
12 Response Team, as described in Section 7.3.2, *Implementation of Water Operations*
13 *Conservation Measures*.

14 **7.1.5 Permitting Agencies: Fish and Wildlife Agencies**

15 On the basis of the BDCP, the State and federal fish and wildlife agencies (USFWS, NMFS, and
16 DFG) will issue regulatory authorizations to the authorized entities/permittees pursuant to the
17 federal ESA and the NCCPA. Consistent with their authorities under these laws, the fish and
18 wildlife agencies will retain responsibility for enforcing the terms and conditions of the permits
19 and regulatory authorizations. The fish and wildlife agencies retain full responsibility to: (i)
20 determine whether implementation complies with authorization, (ii) enforce authorization, and
21 (iii) modify, suspend, or revoke authorization as provided in applicable law.

22 These agencies will also provide input on a range of implementation actions that will be carried
23 out by the IO. The IO will work closely with these agencies to ensure ongoing compliance with
24 the permits and authorizations.

25 **7.1.5.1 California Department of Fish and Game**

26 DFG is the agency of the State of California authorized to act as trustee for the state’s wildlife.
27 DFG administers and enforces CESA, the NCCPA and other provisions of the Fish and Game
28 Code. DFG is authorized to enter into agreements with federal and local governments and other
29 entities for the conservation of species and habitats, to authorize take under CESA and the
30 NCCPA, and to provide statutory assurances under NCCPA. On an ongoing basis, DFG will
31 consult with the IO and the holders of major permit/authorizations on various aspects of plan
32 implementation, including participation in real-time operations decisions, the adaptive
33 management process, and the monitoring and science programs. DFG will also maintain
34 responsibility for plan enforcement, consistent with the NCCPA and other authorities. DFG may

1 also, at the request of the IO, enter into agreements whereby it operates and maintains certain
2 habitat areas that are developed through BDCP habitat preservation and restoration actions.

3 **7.1.5.2 National Marine Fisheries Service**

4 NMFS is an agency of the United States Department of Commerce authorized by Congress to
5 administer and enforce the ESA with respect to marine mammals and certain fish species
6 (including anadromous fish); to enter into agreements with states, local governments, and other
7 entities to conserve federally threatened, endangered, and other species of concern; to authorize
8 incidental take under ESA; and to provide regulatory assurances in accordance with 50 C.F.R.
9 section 222.307(g). On an ongoing basis, NMFS will consult with the IO and the holders of
10 major permit/authorizations on BDCP implementation, including participation in the real-time
11 operation and adaptive management processes and the monitoring and science programs. NMFS
12 will also maintain responsibility, jointly with USFWS, for plan enforcement consistent with the
13 ESA and other authorities.

14 **7.1.5.3 United States Fish and Wildlife Service**

15 The USFWS is an agency of the United States Department of the Interior authorized by Congress
16 to administer and enforce the ESA with respect to terrestrial wildlife, certain fish species, insects
17 and plants, to enter into agreements with states, local governments, and other entities to conserve
18 threatened, endangered, and other species of concern, to authorize incidental take under ESA,
19 and to provide regulatory assurances in accordance with 50 CFR section 17.22(b)(5) and section
20 17.32(b)(5). On an ongoing basis, USFWS will consult with the IO and the holders of major
21 permit/authorizations on various aspects of plan implementation, including participation in real-
22 time operations decisions, the adaptive management process, and the monitoring and science
23 programs. USFWS will also maintain responsibility, jointly with NMFS, for plan enforcement
24 consistent with the ESA and other authorities. USFWS may also, at the request of the IO, enter
25 into agreements whereby it operates and maintains certain habitat areas that are developed
26 through BDCP habitat preservation and restoration actions.

27 **7.1.6 Other Regulatory Agencies**

28 The BDCP has been developed as a conservation plan pursuant to the ESA and the NCCPA. To
29 implement the BDCP, certain conservation actions will need to conform to the requirements of
30 various other State and federal laws and regulations not specifically addressed by the Plan. Prior
31 to the implementation of many of the conservation actions set out in the BDCP, regulatory
32 authorizations and approvals will need to be obtained from State and federal agencies under
33 applicable laws. To facilitate compliance with these laws and regulations, the IO will work
34 closely with the appropriate regulatory agencies to plan in advance of future permitting needs and
35 establish processes to expedite such authorizations.

1 In addition, certain Important Related Actions (IRAs) have been identified for which the
2 implementation is the primary responsibility of other regulatory agencies. The USFWS, NMFS,
3 DFG, and the IO will work with these regulatory agencies to encourage the implementation of the
4 IRAs. The IO will take actions to implement the IRAs as described in the BDCP.

5 It is expected that the actions set out in the BDCP are likely to involve some or all of the
6 following statutes: California Water Code sections 1000 *et seq.* (water rights), Water Code
7 sections 13000 *et seq.* (water quality), California Fish and Game Code sections 1600 and 5900 *et*
8 *seq.* (fish screens, channel modification), Clean Water Act section 401 (water quality) and
9 section 404 (placement of dredge and fill), Rivers and Harbors Act section 408 (work on levees),
10 Rivers and Harbors Act section 10 (navigation), the Migratory Bird Treaty Act (migratory birds),
11 and the Federal Energy Regulatory Act implemented by the Federal Energy Regulatory
12 Commission.

13 **7.1.7 Implementation Facilitation Team**

14 An “Implementation Facilitation Team” will be established by the Implementation Board and
15 directed by the Program Manager. The Facilitation Team will include the State and federal fish
16 and wildlife agencies and, as appropriate, Supporting Entities and other State and federal
17 regulatory agencies and other entities involved in the implementation of the BDCP. The
18 Facilitation Team will work closely with the IO and supporting entities to facilitate the process of
19 regulatory compliance under various authorities. The purpose of the Facilitation Team is to ensure
20 regular communication and coordination between the IO, Supporting Entities, and those agencies
21 that have regulatory responsibility for actions that will be implemented under the BDCP. The
22 Facilitation Team will work to address issues that may arise with respect to these regulatory
23 processes, including those related to technical and logistical matters, and will help facilitate the
24 efficient and timely implementation of conservation measures. The role of this team will be
25 limited to technical issues; it will not engage in matters related to the program oversight or
26 management.

27 **7.1.8 Supporting Entities**

28 The IO may assign specific implementation tasks to other entities that have the authority,
29 resources, and expertise to successfully and timely complete the task. These “Supporting
30 Entities” may, at the discretion of the IO, include the DWR, USBR, SFCWA or individual water
31 contractors, the fish and wildlife agencies, the Delta Conservancy, or other entities. Where
32 specific tasks are so assigned, the IO will ensure that that tasks and associated responsibilities are
33 carried out properly and in coordination with other BDCP actions.

34 The IO will oversee each supporting entity’s performance of its responsibility for carrying out a
35 specific task. Decisions by the IO to engage another entity in the implementation of specific
36 plan elements or actions will be accomplished by written contract and will be based on the
37 entity’s jurisdictional authority, level of expertise, and its capacity to carry out the element or

1 action in a timely and successful manner. The IO may terminate a supporting entity's role in
2 plan implementation in the event that the supporting entity does not perform a task adequately.
3 Supporting entities may include, among others:

- 4 • DWR
- 5 • USBR
- 6 • SFCWA or individual SWP and CVP contractors. It is anticipated that the SFCWA will
7 be substantially involved in the implementation of the BDCP, and will likely assume
8 responsibility for implementing a number of BDCP actions.
- 9 • The Delta Conservancy. The Delta Conservancy has been designated by statute as a
10 primary State agency to implement ecosystem restoration in the Delta.
- 11 • Sponsors of regional conservation planning programs, including those engaged in NCCP
12 and/or HCP development or implementation, or of other similar conservation programs,
13 that overlap or are adjacent to the BDCP Plan Area
- 14 • State and federal regulatory agencies, including USFWS, NMFS, and DFG. In addition
15 to acting in their regulatory roles, these entities may act as supporting entities.
- 16 • Other public agencies and private entities that have jurisdiction, capacity, and expertise to
17 implement actions described in the conservation strategy in a cost-effective, reliable, and
18 timely manner.

19 The take authorizations held by the authorized entities/permittees will provide the necessary
20 authorizations under State and federal endangered species laws to supporting entities to
21 implement the specific action.

22 **7.1.9 BDCP Stakeholder Committee**

23 A BDCP Stakeholder Committee will be established to provide a forum through which interested
24 public and private entities will consider and discuss matters related to Plan implementation.

25 **7.1.9.1 Membership**

26 The Stakeholder Committee will comprise a broader membership than the Implementation Board
27 and consist of a range of entities and organizations engaged in BDCP matters.

28 **7.1.9.2 Function**

29 The Stakeholder Committee will convene periodically to exchange information and provide
30 input to the IO concerning the current significant issues at hand. Stakeholders will have

1 opportunity to inquire about implementation matters, be apprised by the IO of issues of interest,
2 and make recommendations concerning pending decisions.

3 For the benefit of the Stakeholder Committee members and the general public, the IO will
4 provide information and briefings regarding plan implementation. In addition, to further
5 facilitate access to information and promote transparency in decision-making, the IO will
6 maintain a public, on-line data base of key documents and information, such as annual
7 implementation reports, work plans, and budgets (see Section 6.2, *Compliance and Progress*
8 *Reporting*).

9 The Stakeholder Committee will develop its own internal organization and process by committee
10 consensus to best coordinate with the various aspects of BDCP implementation. The
11 Stakeholder Committee process will complement, but not substitute for, ongoing collaboration
12 and communication between stakeholders and the IO, authorized entities/permittees, the
13 Implementation Board, and the fish and wildlife agencies. The IO will organize, help convene,
14 and provide support for the Stakeholder Committee and its proceedings.

15 **7.1.10 Science Program**

16 The IO will retain a Chief Scientist to assist in the implementation of the BDCP and to ensure
17 that such implementation decisions are guided by the best available science. Specifically, the
18 responsibilities of the Chief Scientist include:

- 19 • Assist in the implementation of the adaptive management program;
- 20 • Direct the monitoring and research program;
- 21 • Coordinate with the Delta Science Program and Independent Science Board as well as
22 other outside scientists to gather outside and independent scientific input and review as
23 needed;
- 24 • Support the Program Manager in the preparation of reports and other technical
25 documents; and
- 26 • Assist in building sufficient scientific capacity and resources within the IO.

27 Matters relating to the conduct of scientific reviews, and the acquisition of independent scientific
28 advice to assist in the implementation of the BDCP, will be conducted in a manner that ensures
29 their independence and scientific integrity.

30 **7.1.11 The General Public**

31 The BDCP implementation process will provide for ongoing and frequent engagement and
32 participation of the public. Other entities that have interests in the conservation of Delta

1 resources, may participate in BDCP implementation through the public outreach process
2 coordinated by the IO (Section 7.4 *Public Outreach*) or through the BDCP Stakeholder
3 Committee, if eligible for membership.

4 **7.2 IMPLEMENTATION OFFICE ADMINISTRATION**

5 The IO, which will not be a legal entity that can contract directly or hold property in its own
6 name, will administer the implementation of the BDCP under the existing authorities of the
7 authorized entities/permittees. By relying on the legal authorities of the authorized
8 entities/permittees, the IO will be equipped with the resources and capacity necessary to carry
9 out BDCP implementation tasks for which it will be responsible. This structure also
10 contemplates that DWR and the USBR will maintain their historic roles as owners and operators
11 of the SWP and CVP, but provides flexibility for changing those roles if so directed by Congress,
12 the Legislature, or through administrative processes.

13 Proper implementation of the Plan will require a skilled and expert team consisting of
14 administrators, policy-makers, scientists, engineers, data analysts, and regulatory specialists,
15 capable of working together in a cohesive and unified manner. In addition, effective
16 implementation will necessitate adequate financing of and support for the IO. The BDCP
17 includes funding assurances (See Chapter 8 *Implementation Cost and Funding*) that the IO will
18 have such capacity to carry out the responsibilities described in this chapter.

19 The IO may assign specific implementation tasks to other entities that have the authority,
20 resources, and expertise to successfully complete the task in a timely manner. These other
21 entities can, at the discretion of the IO, include an authorized entity, a regulatory agency, a
22 supporting entity, or any combination thereof. Where specific tasks are so assigned, the IO will
23 ensure that that tasks and associated responsibilities are carried out properly and in coordination
24 with other BDCP actions. The entity selected will be responsible, subject to oversight by the IO,
25 for entering into the necessary contracts and acquiring title to interests in real and personal
26 property, acquiring permits, and taking all other steps needed to complete the implementation
27 task.

28 The IO's primary functions and responsibilities are described in the following subsections.

29 **7.2.1 Establishing Administrative Capacity**

30 The Program Manager will manage the IO. The Program Manager will enter into an
31 employment agreement with one of the holders of major permits/authorizations. The Program
32 Manager, however, will receive direction jointly from the holders of major
33 permits/authorizations.

1 The Program Manager will arrange for and equip the IO office space, hire a staff of sufficient
2 size, and enter into contracts (through the authorities of DWR, USBR, and/or other holders of
3 major permits/authorizations) to build capacity to become fully functional and operational.

4 The Program Manager, with the consent of and pursuant to agreements with any affected
5 agencies, may enlist current employees of the Implementation Board's member agencies, as well
6 as employees of other State, federal, or local agencies, who possess the expertise and experience
7 necessary to carry out the tasks associated with BDCP implementation. The specific staffing
8 needs of the IO will be determined by the Program Manager. Staff from agencies that are
9 members of the Implementation Board will work at the direction of the Program Manager.

10 **7.2.2 Preparing Budgets and Managing Expenditures**

11 The Program Manager will develop, propose, and administer budgets for general program
12 administration for acceptance by the Implementation Board pursuant to the dispute resolution
13 process (Section 7.1.3.3 *Dispute Resolution*). The Program Manager will establish systems and
14 processes to centralize oversight of implementation budgets and related expenditures. The
15 Program Manager will also generally oversee budgets and expenditures related to
16 implementation actions carried out by authorized or supporting entities.

17 **7.2.3 Contracting for Services**

18 The IO, through the appropriate entity, may contract for services as necessary to implement the
19 BDCP, including for professional services related to:

- 20 • Acquisition and protection of habitat;
- 21 • Habitat restoration and management;
- 22 • Monitoring and scientific research;
- 23 • Technical and legal services (e.g., regulatory compliance);
- 24 • Engineering and construction (e.g., conservation facilities, water facilities, levees);
- 25 • Funding and grant agreements pertaining to state and federal programs and executing
26 sub-grants to third-parties to conduct specific actions; and
- 27 • Operations and maintenance.

28 The Program Manager shall administer such contracts.

29 **7.2.4 Securing, Holding, and Managing Funds to Support** 30 **Implementation Actions**

31 The IO will coordinate and direct the expenditure of funds from State, federal, and other sources
32 that have been dedicated to the implementation of the BDCP. At least one State and one federal

1 agency member of the Implementation Board will serve as the fiscal agents, consistent with
2 existing agency authorities, for the expenditure of funds by the IO, from both public and private
3 sources, to support implementation actions. The IO will not be authorized to manage the
4 expenditure of funds related to design, construction, operation and maintenance of water
5 diversion and conveyance facilities which are or will be elements of the SWP or CVP.

6 **7.2.5 Coordinating with the Authorized Entities/Permittees,** 7 **Implementation Board, Supporting Entities, and Implementation** 8 **Committee**

9 The Program Manager will convene meetings and facilitate communication with the authorized
10 entities/permittees, the Implementation Board, supporting entities, and the Stakeholder
11 Committee. The Program Manager will maintain frequent contact with these entities and provide
12 regular updates concerning implementation matters, including progress in meeting BDCP
13 timetables, dissemination of information, and maintenance and availability of BDCP records and
14 reports.

15 **7.2.6 Coordinating with Regulatory Agencies – Facilitation Team**

16 The USFWS, NMFS, DFG, and other regulatory agencies will coordinate and collaborate
17 through the Facilitation Team with the IO on matters potentially affecting compliance with the
18 terms and conditions of the BDCP and its regulatory authorizations. The Program Manager will
19 coordinate and lead Facilitation Team meetings.

20 **7.2.7 Coordinating with the Delta Stewardship Council, Delta Science** 21 **Program, and Delta Conservancy**

22 The Program Manager will facilitate and monitor the effective and efficient incorporation of the
23 BDCP into the Delta Stewardship Council's Delta Plan (Delta Plan).³ The Program Manager
24 will report, at least annually, to the Delta Stewardship Council on the progress of BDCP
25 implementation, including the status of monitoring programs and adaptive management, as
26 required by Water Code section 85320(f). The IO will also respond to questions or concerns
27 raised by the Delta Stewardship Council regarding the implementation of the BDCP.

28 The IO, lead by the Chief Scientist, will coordinate with the Delta Science Program and, as
29 necessary, the Delta Independent Science Board,⁴ regarding scientific assistance in the
30 formulation and implementation of monitoring activities and research efforts to support the
31 BDCP adaptive management process.

³ Water Code § 85320.

⁴ Water Code § 85280

1 The IO will coordinate with the Delta Conservancy concerning implementation of ecosystem
2 restoration projects carried out pursuant to the BDCP Conservation Strategy and other programs
3 being carried out by the Delta Conservancy.

4 **7.2.8 Coordinating with Local Governments and Other Public** 5 **Agencies**

6 The Program Manager will serve as the main point of contact for local, State, and federal
7 agencies interested or engaged in BDCP implementation issues. The Program Manager will
8 prepare, publish, and distribute general information about the BDCP to those agencies and serve
9 as representative of the BDCP in public meetings convened by cities, counties, and other public
10 agencies with jurisdiction within the Delta.

11 **7.2.9 Protecting and Defending Against Legal Challenges**

12 The IO, in coordination with the Implementation Board, supporting entities, fish and wildlife
13 agencies, and other appropriate public agencies, will help direct efforts to defend against legal
14 challenges to the BDCP or its associated State and federal authorizations. As necessary, the IO
15 may also provide funding for legal counsel to address the range of legal issues associated with
16 implementation, including: defense against litigation related to the BDCP, liability associated
17 with land acquisition and related matters, disputes arising out of contractual agreements, and
18 general, routine in-house legal matters.

19 **7.2.10 Overseeing Plan Amendments**

20 In the event that an amendment to the BDCP and its authorizations is necessary, the IO will
21 compile information and prepare documentation necessary to support such an amendment and
22 will seek to obtain approvals from the applicable fish and wildlife agencies.

23 **7.2.11 Undertaking Other Responsibilities**

24 The IO will institute a program to monitor compliance with the BDCP and provide the fish and
25 wildlife agencies, on a mutually-agreed upon time-frame, with reports on the results of the
26 monitoring program (see section 6.2 *Compliance and Progress Reporting* and section 7.3
27 *Implementation of the Conservation Strategy*). The IO will also obtain other regulatory
28 authorizations and permits necessary to implement BDCP conservation actions (see section 7.4
29 *Regulatory Compliance Related to BDCP Implementation*) and will engage in public outreach
30 and education (Section 7.5 *Public Outreach*)

31 **7.3 IMPLEMENTATION OF THE CONSERVATION STRATEGY**

32 The IO will be responsible for planning, overseeing, and conducting actions set out in the BDCP
33 Conservation Strategy (see Chapter 3, *Conservation Strategy* and Chapter 6, *Plan*

1 *Implementation*). The IO will be afforded sufficient flexibility to use supporting entities and the
2 fish and wildlife agencies to undertake certain actions that will enhance the overall effectiveness
3 of the Conservation Strategy and yield greater efficiencies in plan implementation. The
4 following sets out the tasks and responsibilities of the IO regarding the implementation of the
5 Conservation Strategy.

6 **7.3.1 Implementation of the Habitat Protection and Restoration** 7 **Conservation Measures**

8 The IO will take actions directly or through the supporting entities to implement conservation
9 measures related to the protection of existing habitat and the enhancement and restoration of
10 habitat within the identified restoration opportunity areas (ROAs) and conservation zones, as
11 well as within other areas in the Plan Area, as described in chapter 3 *Conservation Strategy*.
12 These measures will primarily involve actions to acquire lands, restore or improve habitat
13 conditions, and manage and maintain conservation lands. The IO will work with, and may
14 contract with the Delta Conservancy or the supporting entities to carry out the conservation
15 measures associated with habitat protection and restoration.

16 ***Acquisition and/or Lease of Property Interests.*** Pursuant to the authorities of DWR, USBR,
17 and/or other holders of major permits/authorizations, the IO may acquire interests in real
18 property to facilitate the implementation of a habitat protection and/or restoration conservation
19 measure. Similarly, under the direction of the IO, other entities that have been selected to
20 implement such conservation measures may also acquire interests in real property, as described
21 in Chapter 3 *Conservation Strategy*. The tasks related to the acquisition of fee interest and/or
22 conservation easements, for the purpose of habitat protection, restoration, and creation, will
23 include, among other things:

- 24 • Routine “due diligence” review of real property;
- 25 • Biological “due diligence” to assess habitat/restoration values;
- 26 • Appraisal of property, including oversight of the appraisal process;
- 27 • Negotiation and execution of the transaction; and
- 28 • Receipt of title or easement to lands.

29 The selected entity will also acquire or lease lands or facilities, or, with the consent of the
30 Program Manager, contract with the Delta Conservancy or other appropriate entities to do so, for
31 the purpose of conducting scientific research and monitoring, housing administrative offices and
32 equipment, and undertaking other activities as necessary to administer and implement the
33 measure.

34 ***Management of Land.*** The IO will oversee the management and maintenance of lands acquired
35 for conservation, as described in Chapter 3 *Conservation Strategy*, and will select entities that

1 will be responsible for carrying out such management and maintenance. Tasks associated with
2 land management will generally include:

- 3 • Habitat management;
- 4 • Invasive species control;
- 5 • Security patrol;
- 6 • Liaison with neighboring landowners;
- 7 • Species and habitat monitoring;
- 8 • Public access management;
- 9 • Research activities;
- 10 • Educational services; and
- 11 • Agricultural lease management.

12 ***Maintenance of Facilities, and Improvements.*** The IO will oversee the maintenance of all
13 related facilities and improvements, such as buildings, fences, levees, roads, as described in
14 Chapter 3 *Conservation Strategy* and necessary for support and protection conservation lands

15 ***Funding of Activities of Other Entities.*** The IO may provide funding to other entities (such as
16 local governments engaged in regional conservation planning processes), subject to appropriate
17 conditions and oversight, to implement habitat and species conservation efforts, both inside and
18 outside the Plan Area, that help advance the biological goals and objectives of the BDCP, as
19 described in Chapter 3 *Conservation Strategy*.

20 **7.3.2 Implementation of Water Operations Conservation Measures**

21 **7.3.2.1 Operations of Water Facilities**

22 Implementation of water facilities and water operations conservation measures as described in
23 Chapter 3 *Conservation Strategy* will be the responsibility of DWR and USBR, or entities with
24 whom they may contract, consistent with their existing responsibilities and authorities.

25 **7.3.2.2 Real Time Operations Response Team**

26 To enhance the effectiveness of the water operations conservation measures, a “Real Time
27 Operations Response Team” (Response Team) will be established. The Response Team will be
28 assigned the responsibility to make real-time operational decisions, within boundaries
29 established by the BDCP water operation conservation measures (see Chapter 3 *Conservation*
30 *Strategy*) and other applicable regulatory constraints. Real-time operations will be within the
31 bounds established by the Annual Operating Plan (Section 6.2 *Compliance and Progress*
32 *Reporting*). The Response Team will consist of representatives from the State and federal fish

1 and wildlife agencies, DWR, and the USBR. The fish and wildlife agencies will make the final
2 decision on real-time operational changes after taking into consideration the views of DWR and
3 the USBR. The Response Team's decisions will take into account upstream reservoir operations
4 and other SWP and CVP operational requirements as well as the allocation, amount, and timing
5 of water delivered, including surplus water that may be available, to the CVP or SWP customers
6 within any water year. [*Note to Reviewers: Standard for allowable impact on water supply is*
7 *under development.*]

8 7.3.2.2.1 Role of the Real Time Operations Response Team

9 The Response Team will make determinations in real time (i.e., hourly/daily) regarding
10 operations of the SWP and the CVP Delta facilities to achieve the purposes specified above.

11 The Response Team will not be vested with the authority to operate the CVP and SWP Delta
12 water facilities outside of the permissible bounds of discretion set by the specified BDCP
13 conservation measures, but rather will work within the flexibility of initial operating criteria
14 identified in the water operations conservation measures and the bounds established by the
15 Annual Operating Plan. Changes in the permissible bounds of discretion can only be made
16 through the adaptive management procedures described in Section 3.7 *Adaptive Management*
17 *Program*.

18 Notwithstanding the role of the Response Team, the authorized entities/permittees will retain
19 ultimate legal responsibility for water operations conservation measures and compliance with the
20 Plan and the regulatory authorizations. Similarly, the fish and wildlife agencies will retain legal
21 authority to oversee, enforce, modify, or revoke such authorizations, as described in Chapter 6
22 *Plan Implementation*.

23 7.3.2.2.2 Coordination between the IO and the Response Team

24 The IO will coordinate with the Response Team and retain responsibility for overseeing,
25 tracking, and monitoring the implementation of the water operation conservation measures. The
26 IO will also establish processes to ensure that decisions made by the Response Team regarding
27 the implementation of water operations conservations measures are transparent and
28 understandable.

29 7.3.2.2.3 Responsibility of the Response Team to Balance Conservation and Water 30 Supply Goals

31 The Response Team will be required to take into account the effect of its operational decisions
32 on water supply. While the Response Team's primary aim will be to enhance the effectiveness
33 of the water operations conservation measures, it will make real time decisions in a manner that
34 considers water supply and timing of delivery from that which would have occurred without
35 variations from the Initial Operational Criteria set forth in the Annual Water Operations Plan.
36 [*Note to Reviewers: Standard for allowable impact on water supply is under development.*]

7.3.2.2.4 Informational Resources Available to Support Decisions of the Response Team

In making real-time decisions regarding the implementation of operations-related conservation measures, the Response Team will utilize data, information, and analysis generated from fisheries and operational technical groups and, where appropriate, outside scientific experts. Specifically, the Response Team will take into account real-time data derived from work conducted by the following groups (or their successors or equivalents), including current fish surveys, flow and temperature information, and determinations regarding salvage or loss at the project facilities; and information about public health, safety, and water supply reliability:

- Delta Science Program;
- The Sacramento River Temperature Task Group (SRTTG);
- Smelt Working Group (SWG);
- Delta Operations for Salmon and Sturgeon (DOSS) Group;
- American River Group (ARG); and
- San Joaquin River Technical Committee (SJRTC).

7.3.2.3 **Annual Reporting and Planning for Water Operations**

Planning and reporting requirements for the IO, DWR, USBR, and the Response Team are provided in Section 6.2, *Compliance and Progress Reporting*.

7.3.3 **Implementation of All Other Conservation Measures**

The IO will be responsible for the implementation of the other conservation measures described in Chapter 3, *Conservation Strategy*. The IO may undertake conservation actions directly or arrange for funding to support actions carried out by supporting entities, as described in chapter 3 *Conservation Strategy*. The funds provided to supporting entities will likely be for the purpose of implementing conservation measures that address the adverse effects of other stressors, such as toxic contaminants, non-native predatory species, low dissolved oxygen zones, and entrainment unrelated to covered activities.

7.3.4 **Management of Biological Monitoring, Scientific Research, and Reporting Programs**

The IO will be responsible for the overall management and oversight of the BDCP monitoring and research program and for the implementation of monitoring-related activities, as described in Chapter 3 *Conservation Strategy* (see Section 3.6 *Monitoring and Research Program*).

The IO will retain on staff a Chief Scientist. The Chief Scientist will report to the Program Manager and in consultation with the Program Manager will employ such technical staff as is

1 required to implement the monitoring and research program. The Chief Scientist will oversee
2 the development and implementation of the monitoring and research program and related
3 scientific activities. The IO will establish the framework for the monitoring program (*e.g.*,
4 scope, methodologies, and protocols) in coordination with the Fish and Wildlife Agencies, Delta
5 Science Program, supporting entities, and the Interagency Ecological Program (IEP). The IO, in
6 collaboration with these entities, will develop and implement a process for compiling,
7 evaluating, and synthesizing the results of monitoring activities, and will maintain databases and
8 the results of data analysis, obtained through the monitoring program and expand on that
9 currently developed by IEP.

10 The Chief Scientist, will also manage the BDCP research program, as described in Chapter 3
11 *Conservation Strategy* (see Section 3.6 *Monitoring and Research Program*), which will include
12 establishing research goals and priorities and administering a process to select and coordinate
13 researchers who will be involved in the program. The IO will be responsible for the compilation
14 and synthesis of the results of studies and analysis undertaken by other entities and organizations
15 that are of interest and assistance to BDCP implementation. The Chief Scientist will also
16 coordinate BDCP funding for research by other entities and organizations, as described in
17 Section 3.6 *Monitoring and Research Program*.

18 In addition, the IO will track plan implementation actions and comply with the reporting
19 requirements of the Plan, as described in Section 6.2 *Compliance and Progress Reporting*.
20 Reports prepared by the IO will include, among other things, the results of monitoring and
21 research, an assessment of overall plan performance, and an accounting of the distribution and
22 expenditures of funding by the various entities engaged in plan implementation activities. See
23 Section 6.2 *Compliance and Progress Reporting* for specifics on reporting requirements.

24 The IO may contract with one or more of the authorized entities/permittees, supporting entities,
25 or consultants when appropriate to ensure completion of required monitoring, data analysis, and
26 scientific research.

27 As appropriate, the IO will seek and obtain input and advice from independent scientists.
28 Matters relating to the conduct of scientific reviews, and the acquisition of independent scientific
29 advice to assist in the implementation of the BDCP, shall be conducted in a manner that ensures
30 their independence and scientific integrity.

31 **7.3.5 Management of the Adaptive Management Program**

32 The IO, lead by the Chief Scientist, will manage the BDCP adaptive management program, as
33 described in chapter 3 *Conservation Strategy* (see Section 3.7 *Adaptive Management Program*).
34 Among other things, the IO will assemble, synthesize, and analyze the results of BDCP
35 monitoring efforts and integrate the results of new and relevant scientific research and studies
36 conducted by other parties, including the Delta Science Program. Based on this information, the
37 IO will facilitate and coordinate discussion and consideration of adaptive management issues

1 among the various participating entities, including the Implementation Board, the fish and
2 wildlife agencies, and the Stakeholder Committee as part of the process of making decisions
3 based on the adaptive management program.

4 **7.3.6 Implementation of Measures in Response to Changed** 5 **Circumstances**

6 The IO will be responsible for recognizing and responding to those changed circumstances
7 identified in the plan, and for implementing those responses set out in the BDCP to address those
8 changed circumstances, as described in Section 6.3 *Regulatory Assurances, Changed*
9 *Circumstances, and Unforeseen Circumstances*. The IO will establish a process to ensure timely
10 engagement of the Implementation Board, authorized entities/permittees, fish and wildlife
11 agencies, and the Stakeholder Committee in the identification and response to such changed
12 circumstances.

13 **7.4 REGULATORY COMPLIANCE RELATED TO BDCP** 14 **IMPLEMENTATION**

15 The IO will be responsible for ensuring that the BDCP is properly implemented, including
16 ongoing compliance with the elements of the Plan and the terms and conditions of the associated
17 regulatory authorizations. The IO will also identify, seek, and obtain from State and federal
18 agencies any other regulatory permits or authorizations that are necessary to effectuate Plan
19 implementation.

20 **7.4.1 Maintaining Permits/Authorizations and Obtaining Amendments**

21 The IO will establish a process to ensure compliance with all permits and authorizations related
22 to BDCP implementation. If amendments or modifications to any of these permits or
23 authorizations become necessary, the IO and the authorized entities/permittees will work with
24 the applicable agency to develop the necessary documentation and obtain the amendment.

25 **7.4.2 Obtaining Additional Regulatory Authorizations**

26 *[Note to Reviewers: Certain specific regulatory authorizations (e.g. water rights) will need to be*
27 *completed prior to implementation of the BDCP. Other regulatory authorizations will be*
28 *acquired as necessary during BDCP implementation. This section describes those*
29 *authorizations that happen during BDCP implementation.]*

30 The IO will identify and seek regulatory authorizations necessary to implement BDCP actions.
31 The EIR/EIS for the BDCP will provide sufficient environmental review and analysis of the
32 proposed adoption of the Plan by DWR, CVP-related actions undertaken by Reclamation, and of
33 the proposed issuance of take authorizations by the State and federal fish and wildlife agencies
34 pursuant to the Plan, and may provide sufficient environmental review to support other

1 anticipated federal and State regulatory authorizations. However, additional NEPA and CEQA
2 review, as well as compliance with other environmental laws, will be necessary for a number of
3 BDCP-related actions.

4 The IO will oversee the likely need of supporting entities to obtain permits or authorizations, or
5 conduct environmental review, under the following State and federal laws, regulations, or
6 processes prior to the implementation of certain conservations measures:

- 7 • Sections 404 and 401 of the Clean Water Act;
- 8 • Sections 10 (33 USC 403) and 14 (33 USC 408) of the Rivers & Harbors Act of 1899;
- 9 • Section 1602 of the California Fish and Game Code (Streambed and Lakebed Alteration
10 Agreements);
- 11 • Section 106 of the National Historic Preservation Act;
- 12 • Encroachment permits from the Central Valley Flood Protection Board and reclamation
13 districts to conduct work on levees;
- 14 • Federal Energy Regulatory Act compliance through the Federal Energy Regulatory
15 Commission; and
- 16 • The National Environmental Policy Act and the California Environmental Quality Act, as
17 necessary for certain project-related actions.

18 This list is not intended to be comprehensive and the IO would be responsible for compliance
19 with any additional regulations necessary for Plan implementation.

20 **7.5 PUBLIC OUTREACH**

21 The IO will implement a public outreach and education program to promote public awareness
22 and provide opportunities for public input on matters concerning plan implementation. General
23 objectives of the outreach program will be to:

- 24 • Promote public awareness of and understanding about the plan's purpose, specific
25 conservation measures and their implementation;
- 26 • Provide streamlined and timely access to information;
- 27 • Provide contact with decision-makers; and
- 28 • Maintain a transparent process for understanding, clarifying and addressing public input
29 and comments.

30 Particular emphasis will be placed on outreach efforts focused on the following stakeholders:
31 Delta residents, including landowners, farmers, and business owners; environmental community;
32 agricultural community; boaters; commercial fishing interests; recreational anglers; local

1 governments; reclamation districts; irrigation districts; public utilities; public and private
2 landowners adjacent to BDCP conservation areas; and Native American tribes.

3 The public outreach and education program will include, at a minimum:

4 **Informational Material.** The preparation and distribution of general information materials such
5 as reports, quarterly electronic newsletters, and issue-specific fact sheets in timely manner so as
6 to facilitate public understanding and meaningful public input.

7 **Interactive Website.** Development and maintenance of an interactive website that provides
8 real-time access to information, updates regarding implementation activities, and expanded
9 opportunities for public engagement and input. Visual elements such as maps and webcasts will
10 be used to further aid information sharing and public understanding.

11 **Speakers Bureau.** Presentation of BDCP implementation information to various groups and at
12 public meetings that occur throughout the state, as well as targeted audiences including Delta
13 communities, Tribes, and specific statewide stakeholder interests.

14 **Annual Public Workshops.** Commitment to annual public workshops and others as needed to
15 provide timely opportunities for public dialogue, input and comment regarding a wide range of
16 implementation issues.

17 **Environmental Justice.** An environmental justice outreach program will be integrated into
18 overall outreach activities described above to provide minority and low-income communities
19 with access to information about the plan's implementation and opportunities for input.
20 Outreach techniques include dedicated multilingual web page, availability of translation services
21 at public workshops and community presentations, and outreach to ethnic media outlets.