

**BDCP Implementation Structure/Governance Working Group
Implementation Elements Details**
(Draft June 11, 2008)

The Working Group began this task by identifying generally the roles, functions, authorities, and responsibilities that would need to be vested in an entity or multiple entities to ensure successful implementation of the BDCP. The following is a more detailed outline of those implementation elements that is intended to facilitate a more detailed and focused discussion about the various forms the BDCP implementation structure could take.

I. Administration of the BDCP

- Overall program administration (hiring, staffing and contract administration)
 - Physical office location and “storefront” of implementation structure
 - Would require chief administrator/staff person
 - Would staff or coordinate staffing for BDCP decision-making body(ies)
 - Capacity to manage certain elements of BDCP implementation
- Budgeting and spending
 - Would develop, propose, and manage budget for general program administration
 - Could provide centralized budgeting and spending for various BDCP programs and actions.
 - Budgeting and spending function could also be assigned to various plan participants depending on source of funds and nature of action
- Contracting
 - Habitat restoration and management
 - Monitoring
 - Consulting/legal services (e.g., for environmental compliance)
 - Grant agreements for state and federal funding
 - Subgrants to third-parties for specific actions
- Securing, holding, and managing funds for implementation of the conservation plan
 - Ensure sufficient funding for mitigation and other conservation actions
 - Coordinate expenditures of state and federal funding
 - Serve as fiscal agent for jointly-funded actions
 - Serve as fiscal agent for long-term BDCP funding sources for, e.g.,
 - Long-term management of protected and restored habitat
 - Monitoring
- Coordinating with plan participants
 - Convene meetings and facilitate communication among plan participants
 - Maintain and communicate frequently with points of contact for each plan participant

- Track compliance with BDCP deadlines
- Maintain and disseminate BDCP information
- Maintain BDCP records and reports in central location.
 - Will likely require gathering and synthesizing information from various plan participants.
- Coordinating with DFG, FWS, NMFS
 - Serve as main point of contact for BDCP matters
 - Ensure that reports are adequate and provided on time
 - Coordinate input from agencies on BDCP implementation matters
- Coordinating with other local, state, and federal agencies
 - Serve as main point of contact for BDCP matters
 - Prepare and publish/distribute general information about the BDCP
 - Serve as representative of the BDCP in public meetings
 - Serve as liaison and representative of the BDCP with cities, counties, and other public agencies with jurisdiction in the Delta
- Protecting against liability (including capacity to obtain legal representation)
 - Defense against legal challenges to the BDCP and associated state and federal permits
 - Obtain/maintain insurance
 - Hire legal counsel and coordinate defense of BDCP actions
 - Land acquisition and associated liability
 - Contract disputes
 - General in-house legal services

II. Implementation of the Conservation Strategy

- Acquiring and/or leasing property interests
 - Acquisition of conservation easements and fee title for habitat protection and/or restoration, including
 - ordinary “due diligence” review for real property transactions
 - biological “due diligence” to assess habitat/restoration value
 - negotiate and transact acquisition
 - hold title to new lands and easements
 - Leasing lands or facilities for scientific research or monitoring, administrative offices, housing equipment, etc.
- Managing lands (e.g., habitat management, invasive species control, trash removal, security, etc.)
 - Staff or consultants to monitor and maintain habitat
 - Security patrols
 - Liaison with neighbors
 - Species and habitat monitoring
 - Manage public access
 - Provide educational services
 - May include management of agricultural leases on some lands
- Implementing specific conservation and mitigation measures, including restoration of habitat

- Oversee, track and monitor overall implementation of conservation and mitigation measures
- Implement or contract for implementation of species habitat restoration and other actions
- Track, monitor and report on implementation of mitigation measures
 - Synthesize mitigation implementation monitoring and reporting from plan participants
- Maintaining lands, facilities, and improvements (e.g., buildings, fences, levees, roads, etc.)
 - Primarily addresses existing facilities on acquired lands
 - May include new facilities for specific BDCP purposes
- BDCP-related SWP/CVP conveyance operations
 - Oversee, track and monitor overall implementation of BDCP measures/standards regarding aquatic habitat and hydrodynamic conditions in Delta necessary for covered species and natural communities
 - Implementation of BDCP-related SWP/CVP conveyance operations could be incorporated into governance structure for overall SWP/CVP operations
- Funding activities of other entities that contribute to the conservation of covered species and the Delta ecosystem
 - Funding of entities conducting habitat and species conservation efforts outside the Delta (e.g., Suisun Marsh, upstream spawning habitat)
 - Funding of entities conducting actions to address stressors on Delta species and ecosystem functions (e.g., toxics, non-native species, hatchery management)
- Implementing adaptive management program
 - Coordinate BDCP related monitoring efforts
 - Support and synthesize new scientific research about the Delta
 - Facilitate and coordinate adaptive management decision-making and implementation responsibilities among plan participants
- Implementing monitoring and research program (e.g., effectiveness monitoring)
 - Oversee overall monitoring program (e.g., scope, methodologies, protocols)
 - Coordinate and synthesize monitoring conducted by plan participants
 - Monitoring of habitat and species on land conserved under BDCP
 - Oversee overall research program
 - Coordinate and synthesize research conducted by plan participants
 - Coordinate BDCP funding for research by others (if any)
 - May include research grant program (i.e., proposal solicitation and selection process)

III. Regulatory Compliance

- Implementing plan compliance monitoring and reporting program (e.g., monitoring results, implementation of conservation actions, etc.)

- Monitoring of compliance with BDCP requirements (e.g., minimization and mitigation measures)
- Monitoring of effectiveness of BDCP mitigation and conservation measures
- Obtaining regulatory permits for plan implementation actions, including permits for compliance with:
 - Sections 404 and 401 of the Clean Water Act
 - Section 1600 et seq. of the Fish and Game Code (Streambed Alteration Agreements)
 - National Historic Preservation Act
 - Encroachment permits
 - Central Valley Flood Protection Board
 - Reclamation districts
 - May include additional project-level compliance under
 - Section 7 of the ESA
 - CESA
- Conducting environmental review
 - CEQA
 - NEPA

IV. Public Outreach

- Outreach and public education program
 - Environmental community
 - Agricultural community
 - Boaters
 - Recreational anglers
 - Local governments
 - Reclamation districts
 - Irrigation districts
 - Public utilities
 - One-on-one outreach to neighboring landowners (i.e., adjacent to conserved lands)
 - Includes, at a minimum
 - Develop and update general informational materials
 - Maintain website
 - Presentations at public meetings
 - Periodic public workshops