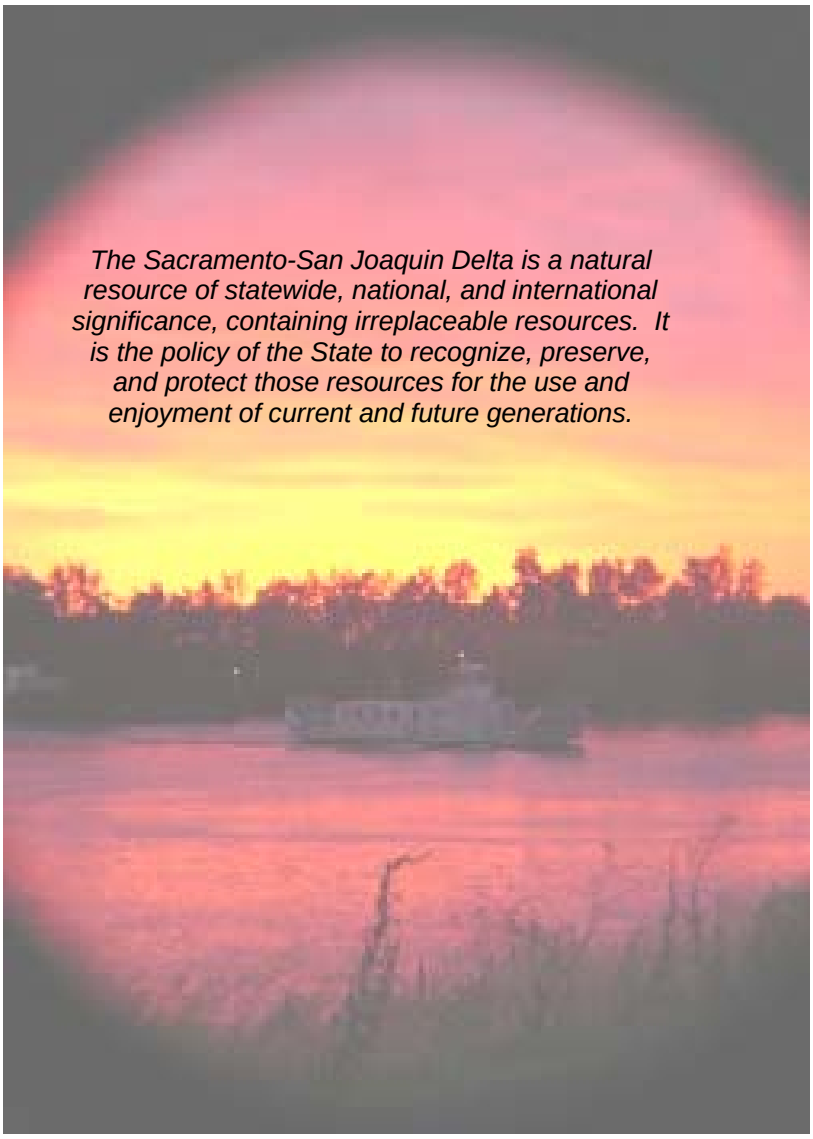
# DELTA PROTECTION COMMISSION MANAGEMENT PLAN UPDATE CONCEPT




## DISCUSSION DRAFT

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The Delta Protection Commission seeks to update its Land Use and Resource Management Plan (Management Plan). The plan, originally adopted on February 23, 1995, outlines the long-term land use requirements for the Sacramento-San Joaquin Delta. Based on a variety of significant events and changing needs, the need for the update is timely and essential.

## Management Plan Goals

1. Protect, maintain, enhance and restore Delta qualities including:
   - agriculture
   - wildlife habitat
   - recreational activities
2. Assure orderly, balanced conservation and development of Delta land resources.
3. Improve flood protection by structural and nonstructural means to ensure an increased level of public health and safety.

## *Overview*

In September 1992, the California Legislature declared that the Sacramento-San Joaquin Delta, consisting of approximately 738,000 acres, is a natural resource of statewide, national, and international significance, containing irreplaceable resources. It is the policy of the State to recognize, preserve, and protect those resources for the use and enjoyment of current and future generations.

The Delta Protection Act of 1992 required the Delta Protection Commission (DPC) prepare, adopt, review, and maintain a comprehensive long-term resource management plan for land uses within the Sacramento-San Joaquin Delta. The plan covers an area called the Primary Zone which includes approximately 500,000 acres of waterways, levees and farmed lands extending over portions of five counties: Solano, Yolo, Sacramento, San Joaquin and Contra Costa.

The goals of the Plan are to "protect, maintain, and where possible, enhance and restore the overall quality of the Delta environment, including but not limited to agriculture, wildlife habitat, and recreational activities; assure orderly, balanced conservation and development of Delta land resources and improve flood protection by structural and nonstructural means to ensure an increased level of public health and safety." Provisions of the Act preclude the Plan from denying a landowner the right to continue agricultural use. The Act also specifically prohibits eminent domain unless requested by the landowner.

The Management Plan describes the needs and goals for the Delta and a statement of the policies, standards, and elements of the resources management plan. Local government general plans are to be formally adopted and consistent with respect to land located within the Primary Zone.

The original Plan preparation included public review of nine background reports:

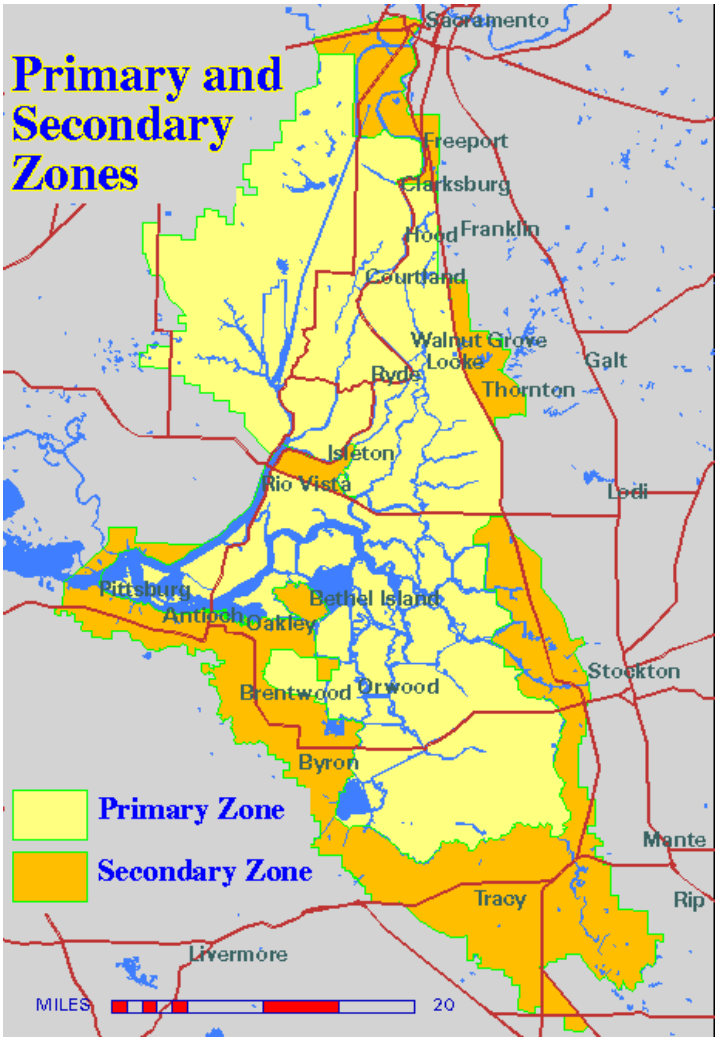
1. Environment
2. Utilities and Infrastructure
3. Land Use and Development
4. Water; Levees
5. Agriculture
6. Recreation and Access
7. Marine Patrol
8. Boater Education and Safety Programs
9. Implementation

These reports provided the context for the Plan findings and policies, and created opportunities for public review and comment through circulation and public hearings before the Commission.

The findings form the framework of data from which the policies and recommendations are derived. Policies are the directions for action local governments must embrace and support through amendments to the General Plans, if necessary. "The policies are intended to provide harmony, Delta-wide for local government actions. Recommendations are additional, optional directions for action for local government, non-profit groups, state agencies, and others.

Since preparation of the original plan, a number of significant events have occurred. Issues such as climate change, needs for flood management and invasive species have created new pressures. In addition, new information about the state of the Delta, Delta Vision, a major initiative of the Governor, and several other initiatives have prompted new interest in updating the Delta Management Plan and revisiting the overall structure of Delta governance.

## *Other Relevant Initiatives*




### Delta Vision

Delta Vision, an initiative of Governor Schwarzenegger and created by Executive Order S-17-06, is intended to identify a strategy for managing the Sacramento-San Joaquin Delta as a sustainable ecosystem that continues to support environmental and economic functions critical to the people of California.

The initiative is based on a growing consensus among scientists, supported by recent legislation and other information, indicating that:

- Environmental conditions and current Delta "architecture" are not sustainable;
- Current land and water uses and related services dependent on the Delta are not sustainable based on current management practices and regulatory requirements;
- Current environmental conditions and current and ongoing services (e.g., utility, transportation and water conveyance services) are reliant on an aging and deteriorating levee system;
- Major "drivers of change" that are largely outside of our control will impact the Delta during the coming decades, including seismic events, land subsidence, sea level rise, regional climate change and urbanization;
- The current fragmented and complex governance systems within the Delta are not conducive to effective management of the fragile Delta environment in the face of the cumulative threats identified above; and
- Failure to act to address identified Delta challenges and threats will result in potentially devastating environmental and economic consequences of statewide and national significance.

The Governor's Delta Vision Blue Ribbon Task Force, created by the same Executive Order, released a report December 17, 2007 with twelve integrated and linked recommendations. These recommendations substantially overlap the planning considerations of the DPC. All are pertinent and seven (in italics) directly impact Delta land use. The recommendations are:

*1. The Delta ecosystem and a reliable water supply for California are the primary, coequal goals for sustainable management of the Delta.*

*2. The California Delta is a unique and valued area, warranting recognition and special legal status from the State of California.*

*3. The Delta ecosystem must function as an integral part of a healthy estuary.*

4. California's water supply is limited and must be managed with significantly higher efficiency to be adequate for its future population, growing economy, and vital environment.

*5. The foundation for policymaking about California water resources must be the longstanding constitutional principles of "reasonable use" and "public trust"; these principles are particularly important and applicable to the Delta.*

6. The goals of conservation, efficiency, and sustainable use must drive California water policies.

7. A revitalized Delta ecosystem will require reduced diversions—or changes in patterns and timing of those diversions upstream, within the Delta, and exported from the Delta—at critical times.

8. New facilities for conveyance and storage, and better linkage between the two, are needed to better manage California's water resources for both the estuary and exports.

9. Major investments in the California Delta and the statewide water management system must integrate and be consistent with specific policies in this vision. In particular, these strategic investments must strengthen selected levees, improve floodplain management, and improve water circulation and quality.

*10. The current boundaries and governance system of the Delta must be changed. It is essential to have an independent body with authority to achieve the co-equal goals of ecosystem revitalization and adequate water supply for California—while also recognizing the importance of the Delta as a unique and valued area. This body must have secure funding and the ability to approve spending, planning, and water export levels.*

*11. Discouraging inappropriate urbanization of the Delta is critical both to preserve the Delta's unique character and to ensure adequate public safety.*

*12. Institutions and policies for the Delta should be designed for resiliency and adaptation.*

The Task Force recommendations are not yet adopted; however, they outline a framework and direction for potential future management of lands within the Commission's jurisdiction.

**The Delta Protection Commission**

The 23-member Delta Protection Commission provides representation in the areas of agriculture, habitat, and recreation. Members include: landowners from north, south, west, and central Delta reclamation districts; a member of the County Board of Supervisors from each of the five Delta counties (Sacramento, San Joaquin, Contra Costa, Yolo and Solano); a representative from the Sacramento Area Council of Governments, San Joaquin Council of Governments, and the Association of Bay Area Governments, high level leaders from the California Departments of Fish and Game, Parks and Recreation, Boating and Waterways, Water Resources, Food and Agriculture, and the State Lands Commission; and Delta residents or landowners in the areas of production agriculture, outdoor recreation, and wildlife conservation. Ex-officio members of the Commission are Senator Mike Machado and Assemblywoman Lois Wolk.

## Climate Change Initiatives

On June 1, 2005, Governor Schwarzenegger signed Executive Order S-3-05. The order established greenhouse gas targets and directed the Secretary of the California Environmental Protection Agency (CalEPA) to coordinate with the Secretary of the Business, Transportation and Housing Agency, Secretary of the Department of Food and Agriculture, Secretary of the Resources Agency, Chairperson of the Air Resources Board, Chairperson of the Energy Commission, and President of the Public Utilities Commission to evaluate climate change impacts and create responses. Under the order a **Climate Action Team,** implements programs and reports on the progress made toward meeting the targets established in the executive order. Various reports from the team have made findings particularly relevant to the DPC Management Plan:

- Higher potential for erosion of California's coastlines and sea water intrusion into the State's Delta and levee systems may result as sea levels rise above present levels by as much as 35 inches during the next 100 years. This would exacerbate flooding in already vulnerable regions.

- The frequency that sea level exceeds a stationary threshold, as projected over future decades for locations such as the San Francisco tide gage, increases markedly as the mean sea level increases. Thus, historical coastal structure

- Design criteria may be exceeded, the duration of events will increase, and these events will become increasingly frequent as sea level rise continues. On the open coast, impacts during these events will continue to be exacerbated by high surf from wind, waves, and, in the Sacramento/San Joaquin Delta of the San Francisco Bay estuary, by floods that may further jeopardize levees and other structures.

- The agriculture industry is one of the largest industries in the State. Potential impacts from limited water storage, increasing temperatures, and salt water in the Sacramento and San Joaquin Delta pose increasing challenges for this industry. Direct threats to the structural integrity of the State's levee and flood control systems would also have immense implications for the State's fresh water supply, food supply, and overall economic prosperity.

- Some of the areas of research in need of attention include the study of ecological impacts, the development of probabilistic climate projections for the state, a geographically-detailed analysis of the impacts of sea level rise on the California coast and the San Francisco Bay and Delta, the impact of climate change on energy generation and demand and human health, and new methods for economic impact analyses.

AB 32 and SB 97, Statutes of 2006 further defined and expanded the work initiated by the Executive Order. DPC is a member of the Resources Agency Climate Group which meets regularly to share information and do action planning. As an example, the Resources Agency departments are evaluating studies from Stanford and other scientific panels that state California will be more adversely affected by climate change than other states (public health, air quality, and environment).

A California Climate Adaptation Strategy will be written by the end of 2008. To accomplish this, small working groups on the subjects of water, sea level rise, agriculture, health and biodiversity will be formed and they will analyze risks and vulnerabilities. An expert panel on climate change will be formed.

Google has agreed to prepare a map for the state showing the impacts of climate change. This will be a tool for state agencies. CEQA and land use is being studied in order to provide tools for cities and counties to reduce the carbon footprint of development. The distribution of Proposition 84 bond funds will be viewed with AB 32 goals in mind.

A Climate Change Adaptation Plan for Ca Water Resources will be written and become part of the Ca Water Plan Update. The Coastal Commission is working with other coastal states that have formed a Climate Change Work Group. Every major regulatory tool the Coastal Commission has now incorporates climate change. The Coastal Conservancy has included climate change in their strategic plan. The San Francisco Bay Conservation and Development Commission has prepared a report and recommendation on a regional climate change strategy for discussion as part of their strategic planning process.

The work of all the Climate Action initiatives will have direct bearing on forming options for the Delta.

## Flood Planning Efforts and Studies

In 2007 the Legislature and Gov. Arnold Schwarzenegger approved six bills to move the state toward 200-year flood protection and to control risky floodplain development. In 2006, voters approved two bond measures that will raise $5 billion for flood-control projects. One new state law forbids local government from approving new housing in floodplains after 2015, unless the area has – or is planning – 200-year flood protection. Another holds local government liable for damages if it "unreasonably" approves floodplain development.

A flood risk report commissioned by the California Department of Water Resources and made public in Jan. 2008 notes, "California is setting the tone for the rest of the nation in how to deal with the problem." But according to Gerald Galloway of the University of Maryland, and chair of the academic group that prepared the report, "In some areas of the Central Valley, communities would experience flood depths of twenty feet or more when the levees fail. A flood of such magnitude and depth not only poses a serious risk to public health and safety but it would cripple the state's economy, and the consequences of such an event would have far-reaching and long-term effects on the nation as well. … As a matter of fact, the increased pressure for growth in the Central Valley, urban development coupled with climate changes is going to make this situation in the future worse."

The report calls for state and local governments, with support of relevant federal programs, to develop and rapidly act on a comprehensive approach to flood risk reduction in the Sacramento and San Joaquin Basins.

In addition to the DWR report, newly updated flood maps from the U.S. Army Corps of Engineers, detail where experts think there could be flood damage in the event of levee failure. The new maps include vast tracts of homes and businesses that may be required to have flood insurance.

Many believe flood planning efforts need to be integrated with other basin water management activities and with land-use planning. This linkage to the DPC Management Plan is direct.

## Delta Protection Commission Emergency Response Planning

The DPC convened a summit of local elected officials in June 2006 to discuss working together on delta wide emergency response planning to ensure a region wide approach and to help ensure the social aspects of emergency planning and response would be addressed. All five counties subsequently signed a Letter of Agreement for participation in Sacramento-San Joaquin Delta Flood Response Group.

In collaboration with the Governor's Office of Emergency Services, the DPC will work with other agencies and facilitate integration of all delta emergency services efforts and ensure societal issues are addressed such as:

- Regional mass care and shelter
- Large-scale evacuation
- Resource management (including personnel, equipment, and materials)
- Public warning, public information and interoperable communication
- Assisting people with disabilities, and the elderly
- Providing care and shelter for pets, service animals, livestock, and other large animals
- Responding to power and utility losses
- Coordinating transportation

The desired outcomes of the effort are:

- A seamless coordination of an emergency response effort in the Delta that would be unhindered by geographic or jurisdictional lines to create a truly regional approach
- A clearly defined chain of command for state, regional, and local agencies in all flood fighting activities.
- An educated population that is ready to help themselves, as well as support their community during a catastrophic event.
- An integrated framework of plans and initiatives coordinated within a comprehensive structure that allows for common terminology, shared assumptions, and mutually supportive data and involved stakeholders.

The work of this group will enhance decision making regarding the Management Plan.

## Great California Delta Trail System

Many have long recognized the unique natural resources of the Sacramento-San Joaquin Delta, the growing demands for public access to these resources, and the increasing importance of outdoor recreation in addressing childhood obesity. In 2006 the California Legislature passed, and the Governor signed, Senate Bill 1556 (Senator Torlakson) which requires the Delta Protection Commission to establish a continuous recreation corridor, including bicycle and hiking trails, around the delta. The vision is for the trail to link the San Francisco Bay Trail system and planned Sacramento River trails in Yolo and Sacramento counties to present and future trail ways around and in the Delta, including Delta shorelines in Contra Costa, San Joaquin, Solano, Sacramento, and Yolo counties.

DPC, assisted by Valley Vision and the National Park Service, is facilitating the Delta Trail feasibility and planning process. Funding sources for Trail planning and project design are being sought. Contacts are being made with many units of government and non-profit recreation organizations to raise awareness of the Delta Trail legislation and to seek partners for trail planning grant applications. City and county general plans are being reviewed for

elements to be coordinated with Delta Trail planning. Phase 1 of the Trail planning process will get underway in 2008 with numerous interviews of stakeholders and technical experts in order to form Stakeholder and Technical advisory committees to help guide the Trail planning process.

## Delta Agricultural Conservation Easement Program

Consistent with the Delta Protection Act, the Primary Zone Land Use and Resource Management Plan and its Strategic Plan, the DPC has also initiated a process for development of a Delta-wide agricultural conservation easement program. This program operates in support of the overall Management Plan and facilitates on other initiatives such as Delta Vision. The next steps for that process include**:**

- Utilizing map overlays as a tool, establish principles for determining priority candidates for easements
- Expanding a discussion group that will include key agencies and experts, Delta land use planners; county agricultural commissioners; county farm bureaus; and landowners.
- Identifying priority parameters and feasible program measures
- Developing a program implementation process

## Strategic Plan

The DPC 2006-2011 Strategic Plan outlines additional actions directly relevant to the Management Plan.

### 1. IMPLEMENTATION OF THE REGIONAL PLAN FOR THE PRIMARY ZONE OF THE DELTA

- Complete summary of accomplished policy recommendations cited in the Management Plan.
- Establish priority/timeline for completion of remaining tasks.
- Identify unaddressed areas.
- Develop tools for proactive “integration” of Management Plan into local general plans and planning resources resulting in a positive rather than adversarial image for the Commission.

### 2. ENVIRONMENT

Preserve and protect the natural resources of the Delta, including soils. Promote protection of remnants of riparian habitat. Promote seasonal flooding and agriculture practices on agricultural lands to maximize wildlife use of the hundreds of thousands of acres of lands in the Delta. Promote levee maintenance and rehabilitation to preserve the land areas and channel configurations in the Delta.

- Enhance educational awareness of the benefits of an adaptive working landscapes approach to managing agricultural and habitat resources in the Delta.
- Explore options for balancing environmental mitigation with other land uses, including agriculture and flood protection.
- Explore options for land use practices (Best Management Practices) that reduce or reverse subsidence e.g., Sherman Island.

### 3. UTILITIES AND INFRASTRUCTURE

Protect the Delta from excessive construction of utilities and infrastructure facilities, including those that support uses and development outside the Delta. Where construction of new utility and infrastructure facilities is appropriate, ensure the impacts of such new construction on the integrity of levees, wildlife, and agriculture are minimized.

- Pursue sources of reference relative to transportation related issues in the Delta.
- Consider long-term impact mitigation opportunities.

**4. LAND USE**

Protect the unique character and qualities of the Primary Zone by preserving the cultural heritage and strong agricultural base of the Primary Zone. Direct new residential, commercial, and industrial development within the existing communities as currently designated and where appropriate services are available.

- Develop tools for establishing a baseline for resources in the Primary Zone.

**5. AGRICULTURE**

Support long-term viability of commercial agriculture and discourage inappropriate development of agricultural lands.

- Establish forum for Delta-wide collaboration among agricultural interests on common activities and issues.
- Establish a program for Delta agricultural easements.

**6. WATER**

Protect long-term water quality in the Delta for agriculture, municipal, industrial, water-contact recreation, and fish and wildlife habitat uses, as well as all other designated beneficial uses.

- Develop programs for Delta-wide collaboration to effectively and efficiently address water quality issues including salinity intrusion.
- Participate in data collection/monitoring programs relative to salinity (X2).

**7. RECREATION AND ACCESS**

Promote continued recreational use of the land and waters of the Delta. Ensure that needed facilities that allow such uses are constructed, maintained, and supervised. Protect landowners from unauthorized recreational uses on private lands. Maximize dwindling public funds for recreation by promoting public-private partnerships and multiple uses of Delta lands.

- Establish programs for recognition of the value of recreational access to appreciate the unique resources of the Delta.

**8. LEVEES**

Support the improvement and long-term maintenance of Delta levees by coordinating permit reviews and guidelines for levee maintenance. Develop a long-term funding program for levee maintenance. Protect levees in emergency situations. Give levee rehabilitation and maintenance the priority over other uses of levee areas.

- Pursue efforts to enhance recognition of public health and safety as a priority.

**9. MARINE PATROL, BOATER EDUCATION, AND SAFETY PROGRAMS**

- Pursue efforts to enhance recognition of public health and safety as a priority
- Pursue opportunities for development of Delta-wide programs to enhance boater awareness and an appreciation for recreational boating.

## County General Plan Updates

The Delta Protection Act requires local governments to embrace and support, if necessary through amendments to the General Plans, the Management Plan recommendations. The policies are intended to provide harmony Delta-wide for local government actions.

Within 180 days from the date of the adoption of the resource management plan or any amendments by the Commission, all local governments must submit to the commission proposed amendments that will cause their

general plans to be consistent with the criteria in Section 29763.5 with respect to land located within the primary zone.

Section 29763.5 requires the Commission to make all the following findings about the General Plans' guidance for development as to the potential impact of the proposed amendments:

a. Is consistent with the resource management plan.
b. Will not result in wetland or riparian loss.
c. Will not result in the degradation of water quality.
d. Will not result in increased non-point source pollution.
e. Will not result in the degradation or reduction of Pacific Flyway habitat.
f. Will not result in reduced public access, provided the access does not infringe on private property rights.
g. Will not expose the public to increased flood hazard.
h. Will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.
i. Will not result in the degradation or impairment of levee integrity.
j. Will not adversely impact navigation.
k. Will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

Prior to the commission approving the general plan amendments of the local government, the local government may approve development within the primary zone only after making all of the same findings.

Four Counties, Yolo, Sacramento, San Joaquin and Solano, are in the process of updating General Plans now. Compatible, synchronized planning processes could enhance and create efficiencies for the efforts of all. The Contra Costa County Plan has also been recently updated and adopted.

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## *Timing*

As evidenced by the extraordinary list of Delta Initiatives, update of the Management Plan is timely. Increasing demands for resources are spurred on by increasing trends in urban growth and development. The Commission continues a positive and collaborative dialogue with project proponents and local entities to proactively achieve the Commission's goals of preserving and enhancing the unique resources of the **Primary Zone through balanced planning and continued implementation of the Management Plan. Proactive participation in the crafting of local general plan update processes and Delta visioning processes underway will be an integral component of meeting this intent.**

Looking ahead, it is imperative that adaptive management tools be effectively utilized to keep pace with the inevitable growth inducing factors that will continue to be challenges faced by the intended preservation of the unique resources of the Delta. Legislative actions, Commission visioning, creative funding support, increased opportunities for local regulatory presence, and methods for bringing permanency to preservation such as easements and mitigation sites will be tools that will become increasingly utilized by the Commission in the coming months and years to continue its effectiveness pursuant to the Act.

The Commission has recognized that with adaptive management comes transition and thus it has substantially redirected its resources in recent months to facilitate forums for local and regional collaboration. It is anticipated that this mantra of a "new era" Commission will bring recognition to the effectiveness of adaptive and collaborative management in carrying out the provisions of the Act and the implementation of the Management Plan to

effectively preserve and enhance the agricultural, habitat, and recreational values of the Delta for the appreciation of future generations as intended by the Legislature in 1992.

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## *Project Goals:*

- Engage Stakeholders to assist the Commission in Updating the Land Use Plan.
- Provide a comprehensive and cohesive framework for overall land use planning in the region.
- Enhance stewardship of the Sacramento – San Joaquin Delta.
- Outline a dynamic governance approach for overseeing implementation of various Delta initiatives being proposed by all the jurisdictions.

## *Project Approach*

### Mini Assessment

Conduct a mini assessment of key Commission members and stakeholders to outline critical update concerns.

#### Document and Literature Review

Conduct an assessment of the numerous Delta documents recently generated to identify areas of cross over into the Management Plan.

#### Planning Team

Utilize a small Planning Team of DPC executives, key stakeholders and a sub-committee of the Commission to provide overall project direction and specific direction for the format of the Stakeholder Launch and Workshops.

### Stakeholder Project Launch

Conduct a 1 ½ day stakeholder project launch where all or some members and another 30-50 participants outline the Plan's most essential update issues and formulate creative recommendations, policies and actions for further investigation.

### Topic Specific Public Workshops

Use material generated from the Launch meeting to conduct topic specific workshops (approximately 18-27, three hour sessions with phone in capability).

### Prepare Draft Plan Update

In conjunction with Planning Team, prepare plan update and associated public meeting materials.

### Commission Action

Assist in presenting initial draft Update Plan and public meeting materials for review prior to public meetings.

### Plan Public Workshops

Conduct 4-6 in-Delta Public Workshops to receive input on final plan.  Incorporate findings into next plan draft.

### Commission Action

Assist in presenting draft Update Plan for Board Action.

## CREATING THE UPDATE LAUNCH USING A LARGE GROUP METHODOLOGY

### WHY HAVE A STAKEHOLDER LAUNCH MEETING?

There must be an authentic need for this type of engagement to be successful and there should be at least two or more of the following conditions present:

- Stakeholders want involvement.
- There is rapid change or an unpredictable environment.
- Stakeholder involvement is needed.
- Problem solving or individual efforts will not be enough.
- There is more commitment to plans that people develop themselves.
- The new direction needs clarification and guidelines.
- There is a need for quick deployment of plans.

### WHAT ARE THE CORE VALUES OF A STAKEHOLDER LAUNCH MEETING?

A large group (conference) model is useful when certain core concepts or values about stakeholders are held. Some of those values follow.

⇒ The participants have knowledge that can be collectively and meaningfully organized.
⇒ People can "create" the future through strategic initiative.
⇒ People want opportunities to engage their heads, hearts and hands. They want to and are able to be contributors to the organization.
⇒ There is value in the ideas offered by stakeholders.
⇒ People should be more knowledgeable about and engaged in the organization's future.
⇒ Diversity of ideas and approach is appreciated and valued.

### POTENTIAL ELEMENTS OF STAKEHOLDER LAUNCH MEETING?

1. Understand the collective Past
2. Analyze the Present external situation (use assessments to frame this
3. Create Update Review Areas for Additional preparation in update workshops
4. Formulate initial suggested recommendations, policies and actions

The meeting is not a problem solving process. It is a method to identify future options and frame what the Update Plan may include.

### WHAT ARE THE OUTCOMES THAT CAN BE EXPECTED FROM THE INVESTMENT OF TIME AND RESOURCES?

- Creative, achievable strategies.
- Collaborative and participative approaches.
- Consensus generation.
- Shared values.
- Commitment to the strategies formulated.
- Learn from each other and educate new members about the situation.
- The integration of differences
- Voluntary Action.