

**Water Storage Investment Program
(Chapter 8 - Proposition 1)**

**Stakeholder Advisory Committee
CHARTER
May 4, 2015**

Background

In November 2014, California voters approved the Water Bond (Proposition 1 - Water Quality, Supply, and Infrastructure Improvement Act of 2014), which supports a safe and reliable supply of water for the state's economy, environment, and quality of life.

The Water Bond includes \$2.7 billion for public benefits of water storage projects. Projects must provide measurable benefits to the Delta ecosystem or tributaries to the Delta. Projects for which the public benefits are eligible for funding consist only of the following:

- Surface storage projects identified in the CALFED Bay-Delta Program Record of Decision, dated August 28, 2000, except for projects prohibited by Chapter 1.4 (commencing with Section 5093.50) of Division 5 of the Public Resources Code.
- Groundwater storage projects.
- Groundwater contamination prevention or remediation projects that provide water storage benefits.
- Conjunctive use projects.
- Reservoir reoperation projects.
- Local surface storage projects that improve the operation of water systems in the state and provide public benefits.
- Regional surface storage projects that improve the operation of water systems in the state and provide public benefits.

The Water Storage Investment Program (WSIP) will fund the public benefits associated with storage projects. Public benefits are defined in the Water Bond under the following categories:

- Ecosystem improvements.
- Water quality improvements.
- Flood control benefits.
- Emergency response.
- Recreational purposes.

Chapter 8 of the Water Bond requires the California Water Commission (Commission) in consultation with Department of Water Resources (DWR), Department of Fish and Wildlife (DFW), and the State Water Resources Control Board (SWRCB) to develop regulations and guidelines for the quantification and management of public benefits related to storage projects by December 15, 2016.

Over the next two years, the Commission will work with stakeholders including water agencies, non-governmental organizations, tribal governments, public agencies, technical experts, economists, and communities throughout the State to develop the regulations and guidelines that will shape the WSIP and guide these investments in California's water future.

Purpose of the Stakeholder Advisory Committee

Proposition 1 requires the Commission to develop regulations and guidelines through a public process. The Commission has convened the Stakeholder Advisory Committee (SAC) to seek technical and policy input from stakeholder representatives and the public to develop regulations and guidelines to implement the WSIP. As a support entity to the Commission, the SAC is subject to requirements of the Bagley-Keene Act.

Scope of Stakeholder Advisory Committee

The SAC is a balanced advisory body; chartered by invitation to review technical materials and policy documents, and to provide comments, data, and supporting information to the Commission. The SAC is not a decision-making body. It is a representative but not exhaustive cross-section of stakeholders that have experience and expertise on a list of interest categories most likely to apply to the WSIP. While the group is encouraged to discuss WSIP topics and identify common perspectives (when feasible), the SAC is not responsible to achieve consensus in its recommendations.

The SAC will address the following topics:

- SAC Charter.
- WSIP Goals, Objectives, and Principles.
- Project Eligibility Criteria.
- Project Evaluation Criteria (Science, Economics, and Procedure), including but not limited to:
 - Quantification of Public Benefits.
 - Improvements to the operation of the state water system.
 - Cost effectiveness.
 - Delta improvements (ecosystem, water quality, operations).
- Management/Monitoring of Benefits.
- Initial Draft Regulations and Guidelines.

Stakeholder Advisory Committee Membership

Executive Sponsor: Paula Landis
Executive Officer, California Water Commission

The Commission invited SAC Members to participate, based on the following criteria and interest categories:

Invitation Criteria

The following are baseline criteria that SAC Members and Alternates (described below) must fulfill:

- Policy and technical skills regarding eligible water storage project types and benefits (as described above).
- Professional and geographic diversity, and
- Willingness and staff resources to participate fully in the process and to provide insights on a timely basis consistent with the project schedule.

Interest Categories

The following are the proposed categories of interests that SAC Members are expected to have experience and representation to address. Many of these categories are verbatim from the Water Bond (and as listed above). Given the integrated nature of water management and policy in California, it is expected that any SAC Member may address one or more of these categories but that most SAC Members will have a priority interest or set of interests they serve:

Water Bond Categories of Storage Types and Benefits

- Surface storage projects identified in the CALFED Bay-Delta Program Record of Decision.
- Groundwater storage, contamination prevention, or remediation projects.
- Conjunctive use projects.
- Reservoir reoperation projects.
- Local or regional surface storage projects that improve the operation of water systems in the state and provide public benefits.
- Ecosystem improvements.
- Water quality improvements.
- Flood control benefits.
- Emergency response.
- Recreational purposes.

Other Special Considerations

- Tribal
- Business and economic impacts
- Environmental Justice

SAC Alternates

Recognizing that all SAC Members have other responsibilities, Members are encouraged to designate an Alternate and to limit the number of alternates they designate to one additional person. Members must identify the Alternate to the facilitator before the meeting. Members agree to brief the Alternate fully so that Alternates can represent the Member and the Member's constituents. Members agree to keep their Alternate up to date so that Alternates can discuss agenda items and contribute to recommendations. No items addressed at previous meetings will be revisited to accommodate an Alternate.

SAC Member Additions

Once the Commission convenes the SAC, other statewide stakeholders may also request the opportunity to serve on the SAC. As stated above, the SAC is a representative but not exhaustive cross-section of stakeholders with experience and expertise on the list of interest categories above. Should a stakeholder seek to be added to the SAC, that stakeholder and Commission staff would carry out the following steps.

- Any stakeholder seeking to be added to the SAC will provide a letter of request to the Commission Executive Officer (or designee). The letter will identify the organization and individual requesting the addition and will describe, the specific interests that the requestor would serve that are not already addressed by the current members of the SAC.
- At the discretion of the Commission Executive Officer, he or she (or a designee) may contact the requestor and conduct a discussion about their interests, expertise, and ability to meet the baseline criteria. Alternatively, the Executive

Officer (or designee) may assess these variables solely from the requestor's letter.

- Following consideration of the request, the Executive Officer will determine whether the requestor serves one or more interests not addressed by current Members. The Executive Officer will either extend a letter of invitation to the requestor, or will provide a summary as to why the requestor will not be added as a Member and describing other methods to be involved in the process.

Roles and Responsibilities

The Commission will:

1. Function as the convening agency.
2. Convene a team of staff from DWR, DFW, SWRCB, Commission, consultants, and the neutral project facilitator (collectively defined as the Project Team [described below]).
3. Provide administrative staff support to the SAC including development of publicity and materials, maintenance of a website, and other means.
4. Serve as a "clearinghouse" for information.
5. Develop text and format work products.
6. Listen to and consider the SAC comments. As this is not a formal process, such as a rulemaking process or environmental review process subject to the California Environmental Quality Act, the Commission will not respond formally to each SAC or public comment made or submitted.
7. Use SAC data, information, concerns, proposals, and/or recommendations to inform the regulations package.
8. Transmit findings and make them available to the public as appropriate.
9. Consider reimbursing Members or Alternates for eligible travel expenses to attend the SAC meetings. The Commission may limit the timeframe for which travel expenses are eligible for reimbursement.
10. Prepare and update a project timeline, schedule, and work plan to help manage assignment deadlines for the overall SAC process.

Project Team will:

1. Meet regularly to review the status of project deliverables being prepared by technical workgroups (see below description under DWR Roles).
2. Review and revise (if needed) the process schedule.
3. Identify draft agenda items.
4. Prepare presentations and materials to support SAC meetings

DWR will:

1. Convene meetings, prepare meeting materials, and arrange logistics.
2. Convene one or more technical workgroups to address specific technical and policy questions or concerns and provide outcomes from these workgroups to the SAC. The technical workgroups will include Commission staff, DWR staff, consultants, and staff from DFW, SWRCB, and other state agencies, as needed. The technical workgroups will not include SAC Members or other stakeholders.
3. Provide technical and administrative staff support to the SAC including development of outreach materials, technical materials, and other information as requested by the Commission.
4. Develop text and format work products, as requested by Commission.
5. Support the Commission in preparing and updating the project timeline, schedule, and work plan to help manage assignment deadlines for the overall SAC process.

6. Listen to and consider SAC comments. Use SAC data, information, concerns, proposals, and/or recommendations to inform the draft and final work products to the Commission.

SAC Members will:

1. Provide general input to the process including agenda review and review of draft materials.
2. Provide perspectives, representing a broad scope of California interests about implementing the WSIP.
3. (May) develop content and text or provide other assistance to staff and facilitators.
4. Participate in SAC meetings consistently.
5. Help identify, review, verify, and comment on data, assumptions, analysis, and methods used to implement the requirements of the legislation.
6. Assist with communicating to the broader public, as well as their respective constituencies and communities, information about the process and products of the SAC.
7. Review and collectively provide recommendations to the Commission on policy and technical issues relevant to the development of the regulations package and the implementation of the WSIP.

Facilitators will:

1. Serve as professional neutrals and oversee the provisions of this Charter.
2. Design, implement, and refine a collaborative process that seeks to define common and divergent SAC Member perspectives and memorialize perspectives as recommendations for the Commission.
3. Facilitate SAC meetings.
4. Receive personal or process input from SAC members. (Not substantive technical or policy issues, those should be discussed in open sessions.)
5. Ensure that all points of view held by SAC members are heard and that the interests of each Member's constituencies and other members of the public are considered.
6. Assist SAC members requesting help with communications.

Stakeholder Advisory Committee Schedule

The SAC will convene in April 2015 and will meet every month through October 2015, or thereafter, if necessary. The Commission expects the principal work of the SAC to finish in October 2015. The Commission may request the SAC to remain involved in subsequent related work after October 2015. The Commission will address the possibility of subsequent work no later than September 2015. All SAC meetings will be in Sacramento. The Commission will comply with public process requirements of Proposition 1 and the Bagley-Keene Act by forming the SAC, making SAC meetings open to the public, announcing meeting agendas 10 days prior to the SAC meetings, and following all other provisions of the Acts.

The Project Team will make a good faith effort to send out meeting materials at least 3 days before each SAC meetings. The Project Team will provide meeting summaries to the SAC within two weeks after a meeting.

Stakeholder Advisory Committee Resources

California Water Commission Staff

Paula Landis, Executive Officer

Rachel Ballanti, Assistant Executive Officer

Jennifer Marr, Project Manager, SAC Co-Lead

Brianna Shoemaker – Associate Governmental Program Analyst

DWR Staff

Ajay Goyal - Chief, DWR Statewide Infrastructure Investigations Branch, SAC Co-lead

Sean Sou – Staff

Joe Yun – Staff

Emmanuel Asinas – Staff

Other DWR staff (as needed)

Consultants (as needed)

Facilitation Staff - California State University Sacramento, Center for Collaborative Policy

Dave Ceppos - Lead Facilitator

Juliana Birkhoff – Co-lead Facilitator

Other CCP staff (as needed)

Procedural and Conduct Guidelines

Open Meetings

Meetings of the SAC will be open to the public and consistent with requirements of the Bagley-Keene act. Agendas will be sent out before meetings and posted on the Commission web site, <http://www.cwc.ca.gov>. At each meeting, the public will have several opportunities to comment. Public comment will be facilitated and occur at specified times on the agenda. Members of the public shall adhere to the same ground rules as SAC members

SAC Dialogue

To determine if the SAC is developing common perspectives, the facilitators may periodically ask for an informal “straw poll” about the Member’s perspective. The facilitators will use answers to such questions to guide the dialogue but these answers are not binding.

When there appears to be a common perspective about a proposal, the facilitators may ask SAC Members more formal questions to identify the level of support for possible recommendations to the Commission.

Developing Recommendations

As described above, the Commission will seek advice from the SAC as a group. This is a collaborative process of diverse individuals/interests and while the Commission has not convened the SAC to reach consensus, the SAC will seek to develop common perspectives. When discussing and assessing Member perspectives, the SAC will consider the following definitions of support to provide the most accurate picture of their respective view. The range of support includes:

- Strong Support for most aspects of proposal: No fundamental disagreements with any aspect of proposal.
- General Support for all or most aspects of a proposal: No fundamental disagreement with key aspects of proposal. This includes having unanswered questions that need additional information or clarification.
- Qualified Disagreement: Significant disagreement with one or more aspects of proposal; however, can live with the proposal as packaged. In this option, Members may be asked

(time permitting) to generate alternatives or language that might address the concerns of all.

- Fundamental Disagreement with key aspects of proposal. Not willing to support or live with the proposal as it stands. SAC members with this opinion will be asked to suggest alternatives that move the proposal toward accommodating the interests of all.

If common themes are not emerging, the SAC in coordination with the Project Team will decide if the topic/proposal warrants more discussion. However, prolonged discussions by the SAC on a specific topic may not be feasible given the timeline Proposition 1 gives the Commission to develop and adopt the regulations and guidelines.

Communicating Outcomes

The outcomes of SAC discussions will be memorialized (e.g. through meeting summaries, reports, memos, etc.) and will take the form of a recommendation from the SAC to the Commission. Due to Bagley-Keene Act requirements, no Members or Alternates of the SAC shall prepare recommendation documents outside of SAC meetings. Therefore, the Project Team will prepare all recommendations that will be reviewed and commented on by SAC Members.

For final recommendations, it is understood that some SAC members may represent organizations that are unable to make final commitments without a concurrence of a board or other body. In this case, recommendations will be considered tentative pending approval. Such confirmation does not need to return the SAC to discussions about said topic unless it affects the recommendation.

SAC Member Communication Outside of SAC Meetings

SAC Members are strongly encouraged to provide or arrange presentations about the SAC's work wherever feasible to increase awareness of the SAC's process (consistent with recommendations below about issues of representation and communication).

As members of a body subject to the Bagley-Keene Act, members of the SAC agree to learn and follow the provisions of the Act. Additionally, members agree to refrain from deliberating on issues within the scope of the SAC with other members of the SAC outside of publically noticed meetings.

Members of the SAC must avoid communication about SAC business among a quorum of its members outside of noticed public meetings, A SAC quorum is expected to be roughly 50% of the SAC membership. Therefore, to avoid possible conversation chains that might involve a quorum, the Attorney General recommends that SAC members limit themselves to communications outside of a meeting to just one other person. Once a quorum of members has been contacted on a single topic, a serial meeting in violation of the Bagley-Keene Act will have occurred. This would include linear serial meetings occurring when A contacts B and B then contacts C, as well as meetings where a single intermediary contacts a quorum of the SAC individually. The serial communication prohibition applies to all forms of communication, including electronic, print, and oral. Staff however, may brief one CAC member at a time so long as staff does not share communications from other SAC members at this time. With the large number of SAC members, it will be easy for serial meetings to unintentionally occur, as individual members may be unaware of previous conversations. We therefore recommend that SAC members reserve their conversations with each other on SAC matters to noticed SAC meetings.

When communicating outside of the SAC, the Commission asks Members to speak only for themselves if asked about SAC progress unless the SAC has adopted concepts or recommendations as a full body.

Good Faith

The Commission understands that all the Members will continue to operate under their own guidelines and timetables. As such, some Members may need to take actions to meet their interests during the SAC meetings that could have a negative impact on the discussions. Furthermore, no member is asked to waive or forgo any water resource issue right or obligation. However, members agree to work in good faith within the process. To work in good faith within the SAC process members agree to the following:

- To the extent possible and without jeopardizing any legal rights or activities, any SAC Member who anticipates taking an action which will impact either the collaborative process or other parties engaged in the process, will disclose their action in advance. This disclosure is not intended to restrict action but to inform other participants. Examples of such activities include introducing legislation or legal action, staging of press conferences, or releasing reports.
- In the interest of preserving working relationships within the collaborative process, these disclosures will be made at the earliest time practicable.

Travel Expenses

Should the Commission agree to reimburse an SAC Member or Alternate for travel expenses to attend the SAC meetings, the members must provide original receipts for any eligible expenses to Commission staff within 30 days of incurring the expense. Expenses will not be eligible for reimbursement after 30 days.

SAC Meeting Conduct

The SAC will use basic meeting ground rules and meeting protocols. SAC members may modify these ground rules to ensure productive meetings.

SAC Members agree to:

- Establish a common fact base and vocabulary to address issues of common concern.
- Participate actively and contribute ideas.
- Take turns speaking and limit side conversations.
- Develop a thorough understanding, not only of their interests, but also the interests of other SAC members.
- Listen and openly discuss issues with others who hold diverse views.
- Not engage in stereotyping and personal attacks on other participants.
- Not ascribe motives or intentions of other participants
- Actively explore the possibility of shared agreements and understanding, with the intent to satisfy as many of the varied interests as possible
- View disagreements as problems to be solved, rather than battles to be won.
- Turn off cell phones ringers, take only emergency calls, and take calls out of the room.

Charter Revisions

The SAC Charter describes the roles, responsibilities, and rules of the group. Members may request changes to the Charter with the concurrence of the CA Water Commission Executive Officer.