

## **Sacramento-San Joaquin Delta **DRAFT** Charter for the National Heritage Area Management Plan Advisory Committee**

The Delta Protection Commission (Commission) is committed to the protection and health of the Sacramento-San Joaquin Delta. We protect, maintain, enhance and enrich the overall quality of the Delta environment and economy. We do this with a focus on agriculture, heritage, recreation, and natural resources while remaining mindful of the importance of the Delta to all Californians.

The John D. Dingell, Jr. Conservation, Management, and Recreation Act, which was signed into law on March 12, 2019, established the Sacramento-San Joaquin Delta National Heritage Area (NHA) and designated the Commission as the local coordinating entity. National Heritage Areas are defined by the National Park Service as living landscapes where historic, cultural, and nature resources combine to tell nationally significant stories. There are currently 55 NHAs. The designation affirms that the Sacramento-San Joaquin Delta NHA, an area that stretches from Sacramento to Stockton to Vallejo (see attached map), is a landscape of national significance, and supports the Commission's work in public education, historic preservation, tourism and recreation development, and economic development activities.

The Commission's first primary task is to prepare and receive approval from the Secretary of Interior for a Management Plan to guide the NHA's activities for the next ten to fifteen years. The Management Plan will provide an integrated and cooperative approach for the protection, enhancement, and interpretation of NHA resources and consider Federal, State, local, and Tribal plans and treaty rights. The plan will include, but not be limited to:

- Comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the NHA;
- Analysis and recommendations for coordinating Federal, State, local, and Tribal programs in the NHA;
- An inventory of resources that should be preserved, restored, managed, or maintained because of their significance;
- Interpretive plan for heritage resources; and
- Implementation and funding program.

By this charter, the Commission establishes the Sacramento-San Joaquin Delta National Heritage Area Management Plan Advisory Committee (NHA Advisory Committee) to ensure public engagement in plan development. The decision-making and outreach structure for the Management Plan will consist of the following individuals or bodies:

- The **Secretary of Interior** is responsible for approving or disapproving the Management Plan.

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- As the local coordinating entity, the **Commission** approves the Management Plan before submitting to the Secretary of Interior for consideration.
- The **Commission NHA subcommittee** was created by the Commission on January 16, 2020 to work with Commission staff and the NHA Advisory Committee on activities related to the NHA Program and Management Plan.
- The **NHA Advisory Committee** is comprised of volunteer members, appointed by the Commission, who will report on their progress and final recommendations to the Commission and Commission NHA subcommittee.
- Four **NHA Advisory Task Groups** on resource stewardship, organization, heritage development and tourism, and interpretive planning will be chaired by members of the NHA Advisory Committee.

### **Purpose of NHA Designation**

The 2012 *Feasibility Study for a Sacramento-San Joaquin Delta National Heritage Area* describes six goals for the Sacramento-San Joaquin Delta NHA:

1. Identify the Delta as a region of national significance
2. Support economic development
3. Promote heritage tourism, ecotourism, and agritourism and compatibility with agriculture
4. Make partner site maps available
5. Undertake and provide resources for historic preservation
6. Develop interpretive sign and Delta history programs

Public engagement and participation in the Sacramento-San Joaquin Delta NHA may reveal additional opportunities and benefits of the designation.

### **Purpose of the NHA Advisory Committee**

The purpose of the NHA Advisory Committee is to provide the Commission and Commission NHA subcommittee with recommendations on the development of the Management Plan and to seek input from diverse stakeholders, including government at all levels, businesses, landowners, agricultural, community, cultural, natural resource, and recreation groups, and the general public. Commission staff and the Management Plan consulting team will assist the NHA Advisory Committee with preparing these recommendations and conducting public outreach. The input gathered during this planning process will be incorporated into the Management Plan to reflect the interests that are broadly important to Sacramento-San Joaquin Delta NHA stakeholders. The implementation plan will include cooperative actions that provide mutual benefits for the NHA and governments, agencies, non-profit organizations, and others.

## **Principles**

The NHA Advisory Committee is guided by respect, understanding, open communication, collaboration, inclusion, and pragmatism. Each individual member brings unique experience and perspectives that are acknowledged and respected by other Committee members. Members seek to build and maintain positive working relationships with one another based on mutual trust and respectful understanding of differences. In soliciting public input, members are expected to acknowledge and be sensitive to disparities that exist in the community and consider forms of outreach that are inclusive of diverse perspectives and backgrounds. When there are differences within the Committee, members seek to understand their differences, and to develop recommendations that are respectful of those differences.

## **Membership Selection**

Members of the NHA Advisory Committee are volunteers who will be appointed to serve until the Management Plan is successfully submitted to the Secretary of the Interior (submittal expected by June 2023). Prospective members of the NHA Advisory Committee will be asked to submit an application to the Commission that summarizes their interests in serving on the committee and their relevant skills or experience, and other qualifiers the applicant thinks important.

The NHA Advisory Committee will be composed of 15 members with ex officio members representing the legislature and public agencies. The Commission's appointment of members will be guided by consideration of the mix of skills, experience, and perspectives that the Committee, as a whole, will need to successfully guide development of the Management Plan, and to set the stage for achieving the goals of the Sacramento-San Joaquin Delta NHA. Goals may involve historic preservation, cultural conservation, public education, interpretation, natural resource conservation, outdoor recreation, tourism, and community and economic development. NHA Advisory Committee members will also be selected to ensure geographic, cultural, and multigenerational representation from across the Sacramento-San Joaquin Delta. Following appointment of the initial NHA Advisory Committee members, appointment of any new members will be informed by nominations made by the NHA Advisory Committee to the Commission.

The principal duties of NHA Advisory Committee members are to regularly attend and participate in quarterly online and in-person committee meetings, to help solicit and gather input on the planning process, and to give their best advice for developing a successful Management Plan. If a member misses a meeting, they are expected to review meeting minutes and ask any clarifying questions before the next meeting. Discussions will not be repeated for a member who was previously absent unless the full Committee agrees. In the case that a member is unable or unwilling to fulfill their duties, including upholding Committee principles, the NHA Advisory Committee may nominate or recommend, and the Commission may appoint, a replacement.

## **Member Representation**

Members of the NHA Advisory Committee serve as individuals who are encouraged to think broadly with diverse community interests in mind and beyond their own personal interests. Members are encouraged to use their personal and professional networks to gather input that can help inform

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the Committee’s work, though will not be asked or expected to speak on behalf of a group of which they may be a part.

### **Administration of the Advisory Committee**

The NHA Advisory Committee is administered by the Commission in its capacity as the NHA local coordinating entity. Commission staff will support the NHA Advisory Committee in scheduling meetings, arranging meeting locations, preparing agendas, drafting minutes and staff reports, conducting outreach, and generally supporting meetings of the Committee. The Commission’s Executive Director or designee will chair the NHA Advisory Committee, with a vice chair selected by the committee.

### **Advisory Committee Decision-Making**

The NHA Advisory Committee will adopt and abide by a set of ground rules for how they operate (see Attachment B for potential ground rules). Committee members will be provided with relevant information and be given the opportunity to discuss and deliberate on issues before being asked to make their recommendations to the Commission and Commission NHA subcommittee.

The NHA Advisory Committee will strive for consensus when making its recommendations. If consensus cannot be reached after a good faith effort, the NHA Advisory Committee will determine recommendations based on a majority vote. When requested, minority opinions will be noted in meeting documentation, and specific points or issues where consensus could not be reached will be included.

### **Advisory Committee Scope of Work**

The primary responsibility of the NHA Advisory Committee is to advise the Commission on the preparation and submission of a Management Plan to the Secretary of the Interior for approval. The Management Plan will formalize the general principles, expectations, and parameters of how the Sacramento-San Joaquin Delta NHA will be cooperatively managed by public and private organizations that choose to participate. Commission staff will compile and draft the Management Plan according to the requirements set forth in the authorizing legislation (see Attachment A for NHA legislation).

The NHA Advisory Committee, with the assistance of the NHA Advisory Task Groups, will be asked to make recommendations for improving and implementing the plan, including:

- An inventory of natural, historical, cultural, scenic, and recreational resources that should be conserved within the NHA;
- Policies and strategies for cooperatively managing the NHA;
- An implementation plan that includes cooperative actions that various governments, agencies, and organizations agree to take;

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- Funding sources;
- Interpretive planning, including exhibits and educational programs; and
- Other topics as needed.

The NHA Advisory Committee will provide periodic progress reports and final recommendations regarding the Management Plan to the Commission and Commission NHA subcommittee. If there are revisions or follow up matters regarding the Management Plan prior to approval by the Secretary of the Interior, the Committee may be asked to advise on revisions. Following the planning process and successful submission of the Management Plan, committee members may be asked to comment on lessons learned and recommendations on next steps for implementation.

### **Affirmative Duties, Limitations, and Protections**

The NHA Advisory Committee and the Commission, in its capacity as the local NHA coordinating entity, shall carry out the affirmative duties of the authorizing legislation in a manner consistent with the limitations of this authorization. Specifically, the NHA authorization does not:

- Abridge the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the NHA;
- Require any property owner to permit public access to its property or modify public access or use of the owner's property under any other Federal, State, or local law;
- Alter any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency;
- Convey any land use or other regulatory authority to the local coordinating entity;
- Authorize or imply the reservation or appropriation of water or water rights;
- Enlarge or diminish the treaty rights of any Indian Tribe within the NHA;
- Diminish the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the NHA, or the authority of Indian Tribes to regulate members of Indian Tribes with respect to fishing, hunting, and gathering in the exercise of treaty rights; and
- Create any liability, or affect any liability under any other law, of any private property owner with respect to any person injured on the private property.

### **Public Engagement**

The Commission is seeking strong public input on the Management Plan and public participation in the implementation of that plan. In fulfilling those objectives, the NHA Advisory Committee will:

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- Make meeting agendas, meeting notes, and other information about the NHA planning process available on the Commission website.
- Invite community members across the Sacramento-San Joaquin Delta to participate in committee meetings and public forums.
- Recommend additional ways to reach communities and invite public input such as open houses, online surveys, and other means.

### **Charter Amendments**

The Commission may amend the charter.

### **Term of Charter**

The expected term of the NHA Advisory Committee will be through successful approval of the Management Plan by the Secretary of the Interior (expected by June 2023). The term of the NHA Advisory Committee may be extended if deemed necessary for the planning process, or if the Commission sets out new and additional responsibilities for the Committee in a revised charter.

**Attachment A**  
**National Heritage Area Legislation**

**TITLE VI—NATIONAL HERITAGE AREAS**

**SEC. 6001. NATIONAL HERITAGE AREA DESIGNATIONS.**

(a) In General.—The following areas are designated as National Heritage Areas, to be administered in accordance with this section:

(4) Sacramento-San Joaquin Delta National Heritage Area, California.—

(A) In general.—There is established the Sacramento-San Joaquin Delta National Heritage Area in the State of California, to consist of land in Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties in the State, as generally depicted on the map entitled “Sacramento-San Joaquin Delta National Heritage Area Proposed Boundary”, numbered T27/105,030, and dated October 2012.

(B) Local coordinating entity.—The Delta Protection Commission established by section 29735 of the California Public Resources Code shall be the local coordinating entity for the National Heritage Area designated by subparagraph (A).

(C) Effect.—This paragraph shall not be interpreted or implemented in a manner that directly or indirectly has a negative effect on the operations of the Central Valley Project, the State Water Project, or any water supply facilities within the Bay-Delta watershed.

(b) Administration.—

(1) Authorities.—For purposes of carrying out the management plan for each of the National Heritage Areas designated by subsection (a), the Secretary, acting through the local coordinating entity, may use amounts made available under subsection (g)—

(A) to make grants to the State or a political subdivision of the State, Indian Tribes, nonprofit organizations, and other persons;

(B) to enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, Indian Tribes, nonprofit organizations, and other interested parties;

(C) to hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(D) to obtain money or services from any source including any money or services that are provided under any other Federal law or program;

(E) to contract for goods or services; and

(F) to undertake to be a catalyst for any other activity that furthers the National Heritage Area and is consistent with the approved management plan.

(2) Duties.—The local coordinating entity for each of the National Heritage Areas designated by subsection (a) shall—

(A) in accordance with subsection (c), prepare and submit a management plan for the National Heritage Area to the Secretary;

(B) assist Federal agencies, the State or a political subdivision of the State, Indian Tribes, regional planning organizations, nonprofit organizations and other interested parties in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values in the National Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the National Heritage Area;

(iii) developing recreational and educational opportunities in the National Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historical, scenic, and cultural resources of the National Heritage Area;

(v) protecting and restoring historic sites and buildings in the National Heritage Area that are consistent with National Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the National Heritage Area; and

(vii) promoting a wide range of partnerships among the Federal Government, State, Tribal, and local governments, organizations, and individuals to further the National Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the National Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year that Federal funds have been received under this subsection—

(i) submit to the Secretary an annual report that describes the activities, expenses, and income of the local coordinating entity (including grants to any other entities during the year that the report is made);

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(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the National Heritage Area.

(3) Prohibition on the Acquisition of Real Property.—The local coordinating entity shall not use Federal funds made available under subsection (g) to acquire real property or any interest in real property.

(c) Management Plan.—

(1) In General.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity for each of the National Heritage Areas designated by subsection (a) shall submit to the Secretary for approval a proposed management plan for the National Heritage Area.

(2) Requirements.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the National Heritage Area;

(B) take into consideration Federal, State, local, and Tribal plans and treaty rights;

(C) include—

(i) an inventory of—

(I) the resources located in the National Heritage Area; and

(II) any other property in the National Heritage Area that—

(aa) is related to the themes of the National Heritage Area; and

(bb) should be preserved, restored, managed, or maintained because of the significance of the property;

(ii) comprehensive policies, strategies and recommendations for conservation, funding, management, and development of the National Heritage Area;

(iii) a description of actions that the Federal Government, State, Tribal, and local governments, private organizations, and individuals have agreed to take to protect

- the natural, historical, cultural, scenic, and recreational resources of the National Heritage Area;
  - (iv) a program of implementation for the management plan by the local coordinating entity that includes a description of—
    - (I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and
    - (II) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of operation;
  - (v) the identification of sources of funding for carrying out the management plan;
  - (vi) analysis and recommendations for means by which Federal, State, local, and Tribal programs, including the role of the National Park Service in the National Heritage Area, may best be coordinated to carry out this subsection; and
  - (vii) an interpretive plan for the National Heritage Area; and
- (D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area.
- (3) **Deadline.**—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the local coordinating entity shall be ineligible to receive additional funding under this section until the date on which the Secretary receives and approves the management plan.
- (4) **Approval or Disapproval of Management Plan.**—
- (A) **In General.**—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with State and Tribal governments, shall approve or disapprove the management plan.
  - (B) **Criteria for Approval.**—In determining whether to approve the management plan, the Secretary shall consider whether—
    - (i) the local coordinating entity is representative of the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

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(ii) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the National Heritage Area.

(C) Action Following Disapproval.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall— \_

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(D) Amendments.—

(i) In General.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines make a substantial change to the management plan.

(ii) Use of Funds.—The local coordinating entity shall not use Federal funds authorized by this subsection to carry out any amendments to the management plan until the Secretary has approved the amendments.

(d) Relationship to Other Federal Agencies.—

(1) In General.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) Consultation and Coordination.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area designated by subsection (a) is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(3) Other Federal Agencies.—Nothing in this section—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area designated by subsection (a); or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(e) Private Property and Regulatory Protections.—Nothing in this section—

- (1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within a National Heritage Area designated by subsection (a);
- (2) requires any property owner—
  - (A) to permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or
  - (B) to modify public access or use of property of the property owner under any other Federal, State, or local law;
- (3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency;
- (4) conveys any land use or other regulatory authority to the local coordinating entity;
- (5) authorizes or implies the reservation or appropriation of water or water rights;
- (6) enlarges or diminishes the treaty rights of any Indian Tribe within the National Heritage Area;
- (7) diminishes—
  - (A) the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within a National Heritage Area designated by subsection (a); or
  - (B) the authority of Indian Tribes to regulate members of Indian Tribes with respect to fishing, hunting, and gathering in the exercise of treaty rights; or
- (8) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(f) Evaluation and Report.—

- (1) In General.—For each of the National Heritage Areas designated by subsection (a), not later than 3 years before the date on which authority for Federal funding terminates for each National Heritage Area, the Secretary shall—
  - (A) conduct an evaluation of the accomplishments of the National Heritage Area; and
  - (B) prepare a report in accordance with paragraph (3).
- (2) Evaluation.—An evaluation conducted under paragraph (1)(A) shall—
  - (A) assess the progress of the local management entity with respect to—

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- (i) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and
    - (ii) achieving the goals and objectives of the approved management plan for the National Heritage Area;
  - (B) analyze the investments of the Federal Government, State, Tribal, and local governments, and private entities in each National Heritage Area to determine the impact of the investments; and
  - (C) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.
- (3) Report.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.
- (g) Authorization of Appropriations.—
- (1) In General.—There is authorized to be appropriated for each National Heritage Area designated by subsection (a) to carry out the purposes of this section \$10,000,000, of which not more than \$1,000,000 may be made available in any fiscal year.
  - (2) Availability.—Amounts made available under paragraph (1) shall remain available until expended.
  - (3) Cost-Sharing Requirement.—
    - (A) In general.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.
    - (B) Form.—The non-Federal contribution of the total cost of any activity under this section may be in the form of in-kind contributions of goods or services fairly valued.
  - (4) Termination of Authority.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

**Attachment B**  
**Proposed Ground Rules**

NHA Advisory Committee members commit to:

- Beginning and ending meetings on time.
- Participating in each meeting to the best of their abilities to ensure continuity throughout the process.
- Treating everyone and their opinions with respect.
- Allowing one person to speak at a time.
- Commenting constructively and specifically.
- Engaging in honest, open-minded, constructive, and good-faith discussions to seek understanding and optimal decisions and outcomes.
- Coming prepared for meetings by reading materials prior to the meeting, thinking through questions, and developing responses and discussion ideas.
- Consulting regularly with their particular constituencies and providing input to the discussions from those constituencies.
- Operating according to, and staying focused on, the Committee's specific charges.
- Not attempting to represent the views of the committee as a whole to the public except as clearly agreed upon.