

# Charter for the Sacramento-San Joaquin Delta National Heritage Area Advisory Committee

**First Adopted:** July 18, 2024

## **Revised:**

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 62 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.

By this charter, the Commission establishes the Sacramento-San Joaquin Delta National Heritage Area Advisory Committee (NHA Advisory Committee) to ensure partner and public engagement in achieving the goals set out in the management plan. Five NHA advisory task groups on communications and marketing, cultural and historical resources, heritage development and tourism, interpretive planning, and natural resources will report directly to the NHA Advisory Committee.

## **Purpose of NHA Designation**

The Sacramento-San Joaquin Delta National Heritage Area Management Plan (dated March 12, 2024) describes five goals for the Sacramento-San Joaquin Delta NHA:

1. **Interpretation:** Guided by interpretation, and through institutional leadership and community projects, promote and instill an evolving understanding and appreciation of the historical and ongoing changes in the Delta's land, water, wildlife, and communities.
2. **Resource Stewardship and Enhancement:** Steward the heritage and culture of the Sacramento-San Joaquin Delta, by identifying, preserving, conserving, and enhancing the unique identity, resources, and living traditions of the Sacramento-San Joaquin Delta.
3. **Heritage Development and Tourism:** Support sustainable tourism and economic development by encouraging responsible use of, and visitation to, the Delta's unique resources and communities.

4. **Partnership:** Connect and support collaboration among governmental and nongovernmental partners, businesses, and residents to establish a brand that readily identifies the Delta NHA and increases public awareness.
5. **Organization:** Seek, establish, and maintain collaborative partnerships, effective governance principles, and sustainable business practices to manage the local coordinating entity and the NHA.

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

The purpose of the NHA Advisory Committee and advisory task groups is to provide the Commission with recommendations for policy, process, and governance in implementing the management plan and to act as ambassadors to the diverse partners and communities in the NHA, including government at all levels, businesses, landowners, agricultural, community, cultural, natural resource, and recreation groups, and the public. Commission staff will assist the NHA Advisory Committee and advisory task groups with preparing these recommendations and conducting public outreach. The NHA Advisory Committee and advisory task groups will help ensure that implementation of the management plan reflects the interests that are broadly important to Sacramento-San Joaquin Delta NHA stakeholders.

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

The NHA Advisory Committee will be asked to make recommendations for policy, process, and governance and act as ambassadors to the diverse partners and communities in the NHA, including:

- Provide insights, recommendations, and feedback to enhance the effectiveness of the NHA program.
- Act as a bridge between the Commission and the broader community.
- Review, evaluate, and make recommendations to the Commission on grant applications to the NHA.
- Establish systems to measure the impact of the NHA's initiatives and gather feedback from stakeholders.
- Analyze data to make informed decisions and improve program effectiveness.

The NHA Advisory Committee will provide periodic progress reports (at least three times per year) to the Commission regarding the work of the NHA measured against the management plan and the designating legislation.

### **Membership Selection**

Members of the NHA Advisory Committee are volunteers who will be appointed by the Commission to serve for a single three (3)-year term, with the ability to be re-nominated for another two terms to ensure continuity and preserve expertise for the committee. Prospective

members of the NHA Advisory Committee will 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. Members and alternates will be selected by the Commission. A subcommittee of the Commission will review applications and provide recommendations to the full Commission.

The NHA Advisory Committee will be composed of the Chair and 14 members in addition to non-voting ex officio members representing the legislature and public agencies; two members of the Delta Protection Commission and their alternates shall serve as voting members of the NHA Advisory Committee, as designated by the chair of the Delta Protection Commission. The Commission's appointment of members will be guided by consideration of the mix of skills, experience, and perspectives that the committee will need to successfully guide implementation of the management plan and achieve the goals of the Sacramento-San Joaquin Delta NHA. NHA Advisory Committee members will also be selected to ensure geographic representation from across the Sacramento-San Joaquin Delta.

For the public seats, the Commission will make four (4) three-year appointments annually. For the first appointments, four (4) seats will expire in September 2025, four (4) seats in September 2026, and four (4) seats in September 2027. The expiration date for seats will be chosen randomly at the first NHA Advisory Committee meeting. The limitation on the number of terms a committee member can serve will not count those terms that expire in 2025 and 2026. The Commission will follow the same appointment process to fill vacancies when necessary to fulfill the remainder of the term.

The principal duties of NHA Advisory Committee members are to regularly attend and participate in bimonthly in-person committee meetings, to give their best advice for successfully implementing the management plan, and to conduct outreach to partners and communities in the NHA. Members will notify their alternate as early as possible if they are unable to attend a meeting. If a member misses a meeting, they are expected to review meeting minutes and ask any clarifying questions before the next meeting. In the case that a member is unable or unwilling to fulfill their duties, including missing three or more meetings in a calendar year or not upholding committee principles, the Commission may appoint a replacement to complete their term.

### **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 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.

### **Advisory Task Groups**

The Commission Executive Director or their designee will consult with the NHA Advisory Committee on selection of members for advisory task groups on communications and marketing, cultural and historical resources, heritage development and tourism, interpretive

planning, and natural resources. As deemed necessary, the Executive Director or their designee may convene special task groups comprised of committee members to support temporary or occasional activities. The advisory task groups, which will be chaired by NHA Advisory Committee members, will report directly to the NHA Advisory Committee. Each NHA Advisory Committee member, excluding ex officio members, will be selected for at least one advisory task group, with no more than five committee members on a single advisory task group. Any remaining members of the task group will be comprised of subject matter experts and stakeholders.

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

The NHA Advisory Committee is administered by the Commission in its capacity as the NHA local coordinating entity. The Commission's Executive Director or their designee will chair the NHA Advisory Committee, with a vice chair selected by the committee. Commission staff will support the NHA Advisory Committee in scheduling meetings, arranging meeting locations, preparing and distributing meeting notices and agendas, drafting minutes and staff reports, conducting outreach, and generally supporting meetings of the committee. Support for the operation of the NHA Advisory Committee will rely on existing Commission staff and resources, until such time as the State may allocate additional funds for the operation of the NHA Advisory Committee.

### **Principles**

The NHA Advisory Committee and advisory task groups are 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.

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

The NHA Advisory Committee will abide by a set of ground rules for how they operate (see Attachment B for 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.

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.

## **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 public or private property owner, including the right to refrain from participating in any plan, project, program, or activity conducted within the NHA;
- Require any private 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 participation in the implementation of the management plan. In fulfilling those objectives, the NHA Advisory Committee will:

- Make meeting agendas, meeting notes, and other information about the NHA 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.

## **Bagley-Keene Open Meeting Act**

As an appointed committee of a state agency, the NHA Advisory Committee is governed by the Bagley-Keene Open Meeting Act which requires, among other things, that (1) an agenda be

posted at least ten days in advance of any meeting; (2) the agenda describe specifically the items to be transacted or discussed; and (3) the NHA Advisory Committee to refuse to add an item after publication of the agenda. In addition to these general requirements, the Bagley-Keene Act includes other specific provisions and requirements concerning the announcement and conduct of meetings.

### **Ethical Responsibilities of Members**

No committee member shall participate in any specific matter, including a contract, agreement, grant, or related litigation with the Commission or any local or state agency, in which the member has a direct financial interest.

### **Term of Charter**

The NHA Advisory Committee has no sunset provision and is expected to operate while the Commission serves as the local coordinating entity for the NHA. However, the Commission may review and revise this charter when necessary, pursuant to a public discussion and vote on proposed revisions.

**Attachment A**

**Excerpts from the John D. Dingell, Jr. Conservation, Management, and Recreation Act**

**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:
  - (1) <omitted>
  - (2) <omitted>
  - (3) <omitted>
  - (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);
    - (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;
    - (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—
    - (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**

### **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.