

APPENDIX I: Delta Science Program draft policy and procedures for independent scientific review (February 2013)

Background

As part of its mission to provide the best available scientific information to guide management and inform policy making in the Bay-Delta system, the Delta Science Program promotes and provides independent scientific review of processes, programs, plans, and products. The policies and procedures below describe how independent scientific review provided by the Delta Science Program will be conducted.

Decision to Provide Review

Independent scientific review may be requested by any agency or other interested party. The review will focus on one or more written documents. The Delta Science Program's decision to provide a review will depend on other (competing) commitments of the Delta Science Program and the relevance of the review with respect to the goals and objectives of it and the Delta Stewardship Council. Furthermore, the Delta Science Program will only agree to provide a review if there is sufficient funding available for the review, if there is sufficient time available to complete the review and deliver a report, if the opposite document is complete and ready for review²⁴. The ultimate decision to provide a review rests with the Lead Scientist for the Delta Science Program.

Planning Meetings

Meetings to plan for a review may be held with members of the requesting party, authors of the document(s) subject to review, and interested agency/stakeholder representatives prior to initiation of the review. Participants in a Review Planning Group composed of those parties may communicate their expectations for the pending review, will provide input on the Charge to the Panel, may consider the review schedule and panel-member composition, and may provide pertinent background documents or other instructional materials for the review through the Delta Science Program.

Charge to the Panel

Charge questions are developed with input from the Review Planning Group. The Lead Scientist has the final authority for the Charge to the Panel. Charge questions will be technical (or analytical) in nature, and will not include policy prescriptions (however, it is recognized that responses and other information in a review report may be used in future decision-making by resource managers and policymakers.) Accordingly, charge questions and tasks will be crafted to best draw applicable guidance, but not to solicit explicit policy recommendations or prescriptions.

The scope of the Charge to the Panel will include background information (including the legal, regulatory, and management background necessary to set the full policy context for the Charge to the

²⁴ Review of draft documents, like final documents, is appropriate provided they are complete and ready for review. In contradistinction, review of partial documents, whether final or draft, is generally inappropriate.

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Panel), questions and tasks for the panel, a description of the role of the panel and rules for its deliberations and the form and scope of the review product, and a schedule of deliverables.

Independent Science Review Panel

Panels will include no fewer than five members. The Lead Scientist has the final authority for the selection of Independent Scientific Review Panel members and will consider input from the Review Planning Group. The selection of panelists will consider an individual's standing in the scientific community, expertise in disciplinary areas and with technical skills relevant to the documents and technical issues subject to review, and absence of a demonstrated conflict of interest. A panel as a whole is expected to have a broad range of expertise including some familiarity with the geographic region, physical processes, policy issues, ecosystems, and species-specific aspects of the review.

Materials for Review

Materials to be reviewed by the Independent Scientific Review Panel include the review document or documents, and pertinent background materials. Background materials will not be limited to the (specific) technical questions and issues in the Charge to the Panel, but can include documents describing the legal and regulatory context of the review questions and tasks, and consider the management implications of materials provided to the review panel and relevant to the review report. Other study materials or information identified as pertinent to the review introduced by panel members during the panel meeting can be used at the discretion of the panel. Panels are encouraged to request any additional information or other materials that might facilitate their deliberations and report production. Stakeholders and other interested parties may submit materials to be considered by the review panel; however, final decisions relating to any materials to be provided to the review panel rest with the Lead Scientist.

Communication with the Panel

No direct communications by interested parties, including the agency that produced the document subject to review, with panel members on issues pertinent to the review during the review period should be made without the knowledge and consent of the Delta Science Program. The panel may be asked to disregard any communication received without the knowledge and consent of the Delta Science Program.

Public Meetings

The review process will be open and transparent to the extent practicable. Unless there are compelling reasons to do otherwise, each independent scientific review will have a public meeting. While the review panel will deliberate on camera to develop their recommendations, the opportunity for public comment will be provided as a part of any open (public) sessions of each review.

Public Communication

A webpage accessible through the Delta Stewardship Council and Delta Science Program website will present background information on each independent Scientific Review undertaken, meeting agendas, membership of panels convened, all background materials and documents to be reviewed, and the final review document. To the extent possible, all materials for panel review will be posted on the website at

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the same time that they are provided to the panel; at a minimum, 10 days in advance of the first meeting of the review panel. Scheduling and other information about that meeting and the availability of review report(s) will be sent to the Delta Stewardship Council's list serve.

The Delta Science Program will compile and retain a record of the review, including the materials described above as well as any additional materials provided to the panel including presentations from the public sessions of meetings.

Panel Report(s)

The Delta Science Program may suggest grammatical or formatting edits of a draft report to improve it, but will not otherwise substantively amend a review panel report. The content, substance, and recommendations of a review panel report are those of the review panel, not the Delta Science Program or Delta Stewardship Council. The Delta Science Program will post the report after approval of the panel. The Delta Science Program may provide a courtesy copy of the report to the agency that produced the materials subject to review in advance of posting the report. If the agency that produced the materials subject to review chooses to develop a written response, the response will be posted along with the review at the time it becomes available.