



## INFORMATION ITEM

### **Review of the Public Draft of the Council's Public Participation Plan**

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**Summary:** Staff will present a draft Public Participation Plan and request initial feedback from the Council and the public on the plan contents. The draft Public Participation Plan provides information on the Council's public engagement strategies and can be used as a guidance document for how stakeholders and the public can engage in the Council's work. Today's discussion kicks off a public comment period that closes on March 31, 2020. Staff will consider input from today's workshop and during the comment period before returning to the Council in April for endorsement of a final Public Participation Plan.

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#### **Background**

As a state agency, led by an appointed Council, public participation is fundamental to what the Council is and does. The Council encourages public participation through a range of venues, including but not limited to the monthly Council meetings where Council members and staff discuss progress on priority initiatives, and receive updates from a range of local, state, and federal agencies on relevant topics. The Council also facilitates Delta Plan Interagency Implementation Committee meetings and supports the functions of the Delta Independent Science Board, two additional publically accessible decision-making bodies. The Council also regularly hosts public workshops, offers public comment periods on key documents, and engages in multiple stakeholder forums.

The draft Public Participation Plan seeks to provide additional detail and guidance to any stakeholder or member of the public, regardless of background, location, ability, or status, wanting an opportunity to help inform on Council decision-making.

#### **Public Participation Survey and Outreach**

Throughout the development of the draft Public Participation Plan, staff undertook various public outreach activities to gather feedback on the Council's public participation efforts. This included a survey distributed to the public and stakeholders in early 2019, direct outreach to stakeholder groups such as the Delta Protection Advisory Committee, and the analysis of feedback received on the public engagement process for past Council projects. Future opportunities for input by the public include the draft Public Participation Plan being released for a public comment period, an open house "roadshow" where the public can provide comments in-person, and a statewide webinar.

#### ***Outreach Takeaways***

From the outreach and analysis undertaken to date, staff heard the following key points that were used for the development of the draft Public Participation Plan:

- There is a desire to see the Council meet outside of the Sacramento area more often than it does currently

- Find more ways to communicate whether (and how) input and public comments were, or were not, incorporated into final products or decisions and why There is a need to expand awareness of the Council's role in the Delta and the implications of its decisions
- There is a general lack of familiarity regarding the availability of information on the Council's deliberations online
- Early outreach is preferred
- Continued engagement with underrepresented communities and California Native Americans is essential

### **The Draft Public Participation Plan**

The draft Public Participation Plan (**Attachment 1**) is organized into four main sections: (1) a preface detailing the legal requirements the Council must adhere to when interacting with the public; (2) overall details of the Council's current public participation program, including the outreach analysis described earlier; (3) in-depth description of the opportunities and strategies for public involvement in the Council's decision-making; and (4) how the Council will evaluate and update the Public Participation Plan in the future.

### ***Legal Requirements***

Overall, there are five main state laws that the Council must follow in regards to public engagement:

- *The Delta Reform Act of 2009*: Established the Council and requires it to meet no less than monthly, with at least two meetings per year in the legal Delta.
- *The Bagley-Keene Open Meeting Act*: Places accessibility and noticing requirements for the public meetings of California boards and commissions.
- *The California Environmental Quality Act (CEQA)*: Details opportunities for the public to be involved and provide input at various points of the CEQA environmental review process.
- *The Administrative Procedure Act*: Describes the process for public participation in the adoption of new or amended state regulations.
- *Assembly Bill 52 – Tribal Consultation*: Establishes a consultation process with California Native American tribes during the CEQA process.

The draft Public Participation Plan provides background on these main requirements and how they are applicable to the Council.

### ***Foundations***

The draft Public Participation Plan is not a "one size fits all" approach. Instead, it allows flexibility to develop a public participation process for each specific Council project, designed in a way that is specific to the communities affected, by:

- Endeavoring, to the maximum extent feasible and where not already required by law, to communicate whether (and how) input and public comments were, or were not, incorporated into final products or decisions and why.
- Striving to understand how its decisions and work-products impact all affected communities by actively working to involve all interested parties.
- Ensuring, from start to finish, to the extent feasible, and where not already required by law, that the process and information necessary for public and stakeholder engagement on issues before the Council will be prompt, clear, and available to all.
- Evaluating the most current best practices in public engagement and work to continually innovate its public participation program in order to be accessible to a broad range of audiences.
- Valuing and promoting equity, inclusion, and diversity in the development and implementation of the Council's public engagement processes.

### ***Opportunities and Strategies for Public Involvement***

At any given time, the Council is undertaking numerous projects based on priorities and annual work planning. As it does now, at the beginning of each project (such as the Delta Plan amendments, white paper development, etc.), the Council will outline opportunities for public engagement and provide regular updates on the project's process and important dates.

Some items of note in this section include:

- If a Council agenda includes an item regarding a project with a physical location (e.g., a hearing on the appeals of a project's certification of consistency), attempts will be made to have the Council meeting location close to the project impact area.
- Given statewide interest in the Council's work, the Council seeks opportunities to meet or have workshops throughout the state.
- When feasible and depending on the Council's needs, some projects (e.g., amendments to the Delta Plan, ) may include a public comment period ranging from 30-45 days or longer, and/or a public forum to provide project information and offer the public opportunities to provide input on initial concepts or draft text for project.
- The use of staff reports to provide detail on how the Council addressed public comments.
- The use of public open houses where numerous topics or projects can be discussed. In an open house, the public can arrive at any time during the scheduled availability, and staff will be available to members of the public for each topic or project.
- The Council recognizes that there are numerous existing groups already convened throughout the Delta and the state that have an interest in the

Council's work (e.g., Delta Protection Advisory Committee, Delta Levees Habitat Advisory Committee, etc.). Whenever possible, the Council will work with these stakeholder groups to identify opportunities for engagement on Council projects. Interested parties can contact the Council to request presentations on Council projects.

- Mailing of notices to those who request direct mailing
- Staff are always available at Council meetings and other public forums to assist with any questions

### ***Tribal Engagement***

The Council engages in early tribal consultation prior to and during CEQA review, per AB 52. In 2015, the Council adopted a Tribal Consultation Policy (Appendix B of the draft Public Participation Plan) that aims to engage in the timely and active process of seeking, discussing, and incorporating the views of California Native American tribes and tribal communities into its decision-making (separate from CEQA per AB 52) in an effort to resolve the concerns of as many parties as possible.

The Council's Policy includes the identification of potentially impacted tribes, consulting with them at the earliest possible time, and allowing a reasonable opportunity for tribal communities to respond and participate. The Council also disseminates documents to tribal communities and contacts them when appropriate. Meetings are facilitated in a way to allow as much tribal participation as possible. The Policy also outlines that Council staff regularly undertake training in tribal outreach.

### ***Environmental Justice and Disadvantaged Communities***

Environmental justice includes communities disproportionately impacted by the environmental effects of planning and project decisions. Disadvantaged communities refers to communities with significant poverty or other adverse economic factors. These communities are also often (but not always) underserved by basic services associated with adequate standards of living; including, but not limited to, access to reliable and clean water, safe and sanitary housing, food security, and transportation services.

During the first Five-Year Review of the Delta Plan (2018-2019), the Council heard and recognized that outreach to, and participation from, these communities is a key planning topic and emerging issue for implementation of the Delta Plan. To address this in the context of the Delta Plan's policies and recommendations, the Council committed to the development of an issue paper that summarizes the best available science to identify additional responses available for the Council and the Delta Plan to address disadvantaged communities and environmental justice. The development of the issue paper will include a public engagement process drawing upon the tools outlined in this Plan. This process will include exploration of opportunities to collaborate with Delta and other community-based organizations (CBOs, organizations that work at the local level to organize residents) to increase outreach to these communities during the development of this issue paper and other Council projects.

In addition, to support the development of the issue paper and the overall implementation of the Council's public participation efforts, the Council will provide staff

training in the fundamentals of environmental justice and outreach techniques to disadvantaged communities.

### ***Evaluation***

As the Council becomes aware of new, more effective ways of engaging the public in its work, it will evaluate the new processes in order to be more accessible to a broader range of audiences. The Council will also continue to work with interested stakeholders and the public to ensure the process for each project or issue is adapted to meet the Council's and public's needs.

To gauge the effectiveness of this Plan, the Council will periodically assess the Council's public participation efforts and provide input on what the Council can do to improve outreach. A comment box will also be available at Council meetings, public forums, and other public events. Council staff will use the information received from the assessment to identify trends and report on the results to the Council and the public.

### **Today's Meeting**

During today's workshop, staff will walk through the 2019 survey results and outline the draft Public Participation Plan. Councilmembers will then have an opportunity to discuss the findings of the survey and the strategies in the draft Public Participation Plan. Public comment is welcomed and encouraged.

Some questions for councilmembers include:

- Is there anything missing from the draft Public Participation Plan that you would like to see included?
- Is there anything that other public organizations do to foster public participation that the Council should consider?

### **Next Steps**

After today's workshop, the draft Public Participation Plan will be open for public comment through March 31, 2020. In addition, the Council will host a traveling open house to receive feedback on the draft Public Participation Plan, which will take place on March 5, 2020, in Sacramento at the Council's office (10:00 a.m. to 12:00 p.m.), Walnut Grove (1:00 p.m. to 3:00 p.m.), and Oakley (4:00 p.m. to 6:00 p.m.). The Council will also host a webinar on March 24, 2020, to receive comments statewide.

After the public comment period has closed, staff will incorporate councilmember input from today's workshop and consider comments received during the public comment period. The final Public Participation Plan will then be presented to the Council for endorsement at the April meeting.

**Fiscal Information**

Not applicable.

**List of Attachments**

Attachment 1: Draft Public Participation Plan

**Contact**

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