

DRAFT AGENDA

**15th Annual Travers Conference
Heyns Room, Faculty Club
University of California Berkeley
March 2, 2012**

**Sponsored by the Travers Program on Ethics and Accountability in Government,
UC Berkeley, and the Commonwealth Club of California**

MANAGING THE DELTA: THE GOVERNANCE CHALLENGES OF ADAPTIVE MANAGEMENT

The Sacramento-San Joaquin Delta is a critically important public resource for California and the Nation. Much of our state's drinking water flows through the Delta and Delta water irrigates millions of acres of California farmland. As the largest estuary on the West Coast, the Delta ecosystem supports native fish and wildlife and offers many recreational opportunities. Because of these many, often competing, uses, effective management of the Delta has been challenging, if not intractable. An independent agency—the Delta Stewardship Council—was created by the California legislature in 2009 to produce a plan to manage the Delta. The legislation instructed the Council to treat the goals of water consumption and ecosystem protection as “co-equal” and to produce an enforceable plan to manage the Delta by January 1, 2012. A central feature of the new Delta Plan is called “adaptive management,” a science-based strategy that adapts the management regime to changing environmental conditions and resource needs. But how, in practice, will this strategy reconcile the political and ethical tradeoffs produced by the competing uses of the Delta? This conference convenes a group of expert panelists to describe the key features of the new Delta Plan and to discuss the governance challenges associated with implementing the Plan.

9:00-9:15: Conference Opening

9:15-10:30: Panel 1: The New Delta Plan: Where Do We Go From Here?

The Delta Plan is founded on the idea that the twin goals of providing a reliable source of water supply and sustaining and restoring the Delta ecosystem are “co-equal” in status. How does the new Delta Plan put that principle into practice? The Plan is the successor to an earlier program, CalFed, which was deemed a failure by the Little Hoover Commission. What are the elements of continuity between CalFed and the Delta Plan and how do they differ? How does the Delta Plan approach the problems that plagued CalFed?

10: 30-12:00: Panel 2: Adaptive Management: How will it Work in Practice?

To accommodate the co-equal goals of water supply reliability and ecosystem restoration, a centerpiece of the Delta Plan is “adaptive management,” which is defined as “a

framework and flexible decision-making process for ongoing knowledge acquisition, monitoring, and evaluation leading to continuous improvements in management planning and implementation of a project to achieve specified objectives.” In principle, adaptive management commits California to using a science-based framework to adapt to changing patterns of climate, water use, and ecological conditions. Given the complexity of objectives, however, adaptive management places enormous burdens on science to produce coordinated and authoritative governance of the Delta on an on-going basis. How will competing goals be adjudicated under this science-based approach? Who will decide how the management system should adapt and which criteria are determinative? How will the many agencies and jurisdictions who manage different parts of the Delta work together under this adaptive management framework?

12: 00-1:00: Lunch with Luncheon Speaker

1:00-2:30: Panel 3: Governing the Plan: How will the Plan be Enforced?

The central governance strategy for implementing the Delta Plan is a regulatory framework that requires city and state agencies to conduct projects relevant to the Delta in a manner consistent with the Plan. For these so-called “covered actions,” city and state agencies must file a certificate of consistency with the Delta Stewardship Council. The Council does not exercise direct review or approval authority over these actions, but rather serves as an “appellate body” that can review challenges to certificates of consistency filed within 60 days of the posting of a certificate. This panel will review the mechanisms for determining whether a city or state project is a “covered action” and the formal procedures of filing, challenging, and adjudicating covered actions. Panelists will also examine challenges this governance strategy is likely to face in guaranteeing fidelity to the spirit of the Plan.

2:30-4:00: Panel 4: Learning from Others: Best Practices in Complex Resource Management

Management of the Delta is arguably one of the most complex resource management challenges in the world. In this final panel, we bring together a group of panelists who can offer some lessons from the governance of other challenging natural resource management issues with relevance for the implementation of the Delta Plan.