

## San Francisco Bay Area Water Trail Project Implementation Charter

### **Introduction**

This charter sets out the decision-making and guidance process for implementation of the San Francisco Bay Area Water Trail (Water Trail), with special focus on the role and responsibilities of Advisory Committee members. It includes expected outcomes of the process and a description of the concomitant roles and responsibilities of Water Trail Staff, the Project Management Team, and all other stakeholders who will work together to implement the San Francisco Bay Area Water Trail Plan (Water Trail Plan).<sup>1</sup>

### **Purpose of the Advisory Committee and Stakeholder Group**

The purpose of the Advisory Committee for the Water Trail project is to provide to the Project Management Team timely, trail-related guidance and expertise on a consistent basis from a range of interest groups. The Advisory Committee and the Project Management Team have formal memberships.

In addition to the interests represented within the Advisory Committee membership, a broader, informal Stakeholder Group with interests in the trail will inform both the Advisory Committee and the Project Management Team in an *ad hoc* manner at public meetings and in other forums to further inform sound decisions on topics related to project implementation. The Stakeholder Group has an informal, open membership that will be tracked through Water Trail mailing lists.

### **Background**

*Water Trail Vision.* The Water Trail is envisioned to be a network of access sites, or “trailheads,” that allow people in small, non-motorized boats, such as kayaks, canoes, sailboards, and dragon boats, to safely enjoy the historic, scenic, cultural, and environmental richness of San Francisco Bay through single and multiple-day trips. The Water Trail will bring education about personal boating, navigational safety, and ethical boating practices near sensitive wildlife species and shoreline habitat to the boating public through a variety of means. This Water Trail vision originated with the non-profit organization Bay Access, Inc., who also drafted, with others, the San Francisco Bay Area Water Trail Act (Water Trail Act).

*Legislation and Plan Development.* Consistent with the Water Trail Act (Hancock, 2005), the San Francisco Bay Conservation and Development Commission (BCDC) with help from the State Coastal Conservancy (Conservancy), the Association of Bay Area

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<sup>1</sup> The *Water Trail Plan* is the guiding document for implementation of the Water Trail project and was the subject of a programmatic Final Environmental Impact Report.

Governments' Bay Trail Project (ABAG), the Department of Boating and Waterways (Cal Boating), and Bay Access, Inc. led the Water Trail planning process with a Water Trail Steering Committee representing various stakeholder interests. This process resulted in the draft Water Trail Plan (2007), which was the subject of a programmatic, nine-county Final Environmental Impact Report (FEIR) developed by the Conservancy. The Conservancy certified the FEIR and adopted the final Water Trail Plan at their public meeting on March 17, 2011.

*The Implementation Process.* With the certification of the FEIR, and consistent with the Water Trail Act, the Conservancy is acting as the lead agency in the funding and development of projects implementing the Water Trail Plan. The Conservancy board awarded a \$1 million block grant to ABAG in March, 2011, to work with Conservancy staff on project implementation and trailhead improvements. The trailhead designation process will be led by Conservancy staff with the other members of the Project Management Team and major staff involvement from ABAG, especially as relates to sign and other media development and outreach, and specific trailhead enhancement projects.

*Voluntary Program.* The owners of publicly accessible landing and launching sites suitable for use by non-motorized small boats around the Bay are invited to become part of the Water Trail on a voluntary basis. Designated trailheads will receive multiple benefits as outlined in detail in the Water Trail Plan and FEIR, including but not limited to publicity, education and stewardship support, and possible economic stimulus and/or funding opportunities.

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## Organizational Structure and Membership

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The organizational structure for project implementation includes a **Project Management Team (PMT)**, which has decision-making authority; an **Advisory Committee (AC)**, which provides consistent representation of a range of stakeholder interests and provides guidance to the PMT; **Water Trail Staff from the Conservancy and the Association of Bay Area Governments**, who plan, develop and manage the trail and its components as well as support the PMT and Advisory Committee; and a **Stakeholder Group (SG)**, who are notified of Water Trail meetings, trailhead designation decisions, and other project milestones.

### Advisory Committee Membership

The Advisory Committee was designed in the Water Trail Plan to represent listed interests.<sup>2</sup> These interests will be met through members representing the following

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<sup>2</sup> Interests listed on page 46 of the adopted [2011 SF Bay Water Trail Plan](#):

- \* [Needs and interests of human-powered boaters and users of beachable sail craft;](#)
- \* [Different types of shoreline managers and owners who provide access onto the Bay;](#)
- \* [Wildlife and habitat protection interests and expertise;](#)
- \* [Personal and navigational safety and security community;](#)
- \* [Environmental outreach, education and stewardship expertise;](#)
- \* [Interests of and expertise on accessibility for persons with disabilities; and](#)
- \* [Businesses with trail-related interests.](#)

agencies, organizations and stakeholder interests. Agencies, organizations and stakeholder interests may be added or revised from time to time without amending the Charter:

Accessibility Expert	Bay Access, Inc	Hospitality Industry
U.S. Fish and Wildlife Service	California Department of Fish and Wildlife	California Department of Parks and Recreation – Division of Boating and Waterways
County or Local Parks	East Bay Regional Park District	Outfitter/Tour Guide
National Park Service	U.S. Coast Guard	Save the Bay
California Association of Harbor Masters and Port Captains	Non-governmental wildlife and habitat protection organization	<u>Equity and Environmental Justice Expert</u>

Advisory Committee members are recruited by the Project Management Team and are asked to make a two-year commitment to the project. New Advisory Committee members will be appointed at a public meeting, by a majority vote of the Project Management Team recorded in the meeting minutes.

**Alternates.** Advisory Committee members agree to participate consistently. If they are not able to attend a meeting, members commit to working with WT Staff to select an alternate. If an interest group will not be represented at a meeting by a Member or Alternate, the Member agrees to communicate his or her thoughts on agenda items to Water Trail Staff prior to the meeting, so that those perspectives may be communicated and taken into account in the meeting. Members agree to thoroughly prepare Alternates before meetings and Alternates agree to abide by the Charter and to brief the Member afterward. Alternates are encouraged to attend any and all meetings, but only one member of an interest group may serve as the Advisory Committee member at one time; the other may participate in the meeting as a Stakeholder Group member.

**Succession.** Should an Advisory Committee member be unable to fulfill his or her responsibilities as outlined in this charter, the member may withdraw from service. The PMT will work with that member in selecting a successor.

**Project Management Team (PMT) Membership**

The Project Management Team was established in the Water Trail Plan, based on the directives from the Water Trail Act and the mandates of the respective agencies.

Members are:

- State Coastal Conservancy (Conservancy)
- Association of Bay Area Governments (ABAG)
- San Francisco Bay Conservation and Development Commission (BCDC)
- State Department of Boating and Waterways (Cal Boating)

## Water Trail Staff

Water Trail Staff refers specifically to the Project Manager from the Conservancy, who is also the PMT lead member, and the Water Trail Planner from ABAG, who works full-time on the Water Trail and is not the same individual as the ABAG PMT member.

## Stakeholder Group Membership

As defined in the Water Trail Plan, the Stakeholder Group comprises all interested agencies, organizations, and individuals. This group is broad-based, informal, and may attend all public meetings, which will be posted online and announced through e-mail.

## Facilitation Staff

The first few public meetings for Water Trail implementation will be professionally facilitated by staff from the Center for Collaborative Policy. Professional facilitation beyond the inaugural meetings is not planned but may be used on occasion.

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## Roles and Responsibilities

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The roles and responsibilities of the Project Management Team, Advisory Committee, and Stakeholder Group are listed in the Water Trail Plan (Table 7.2) and in even greater detail in the FEIR (Table 2.4.1-1). They are summarized briefly here:

Entity	Responsibilities
Advisory Committee (AC)	<ul style="list-style-type: none"><li>• Advises the PMT on trail priorities, site design and designations, education/outreach/stewardship, and other implementation issues</li><li>• Consults with and advises Water Trail Staff and the PMT individually</li><li>• Forms subcommittees as needed to develop recommendations on specific issues</li></ul>
Project Management Team (PMT) and Water Trail Staff (Staff)	<ul style="list-style-type: none"><li>• Conducts conceptual and strategic planning for site designation and trail programs (PMT, Staff)</li><li>• Consults with AC, SG, experts on trail issues and specific projects (PMT, Staff)</li><li>• Works with site managers to guide site development consistent with Water Trail Plan (Staff)</li><li>• Designates trailheads (PMT) and manages education and outreach programs and materials (Staff)</li><li>• Allocates funding for projects and programs and seeks additional funding (PMT, Staff)</li><li>• Advocates for Water Trail access opportunities (PMT, Staff)</li></ul>

	<ul style="list-style-type: none"> <li>• Amends the Water Trail Plan as needed (Staff)</li> </ul>
Stakeholder Group	<ul style="list-style-type: none"> <li>• Participates in meetings and provides input to the AC, PMT, and Staff on projects and programs</li> </ul>

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## Meeting Conduct and Expected Outcomes

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### Key Expected Outcomes of Trailhead Designation Meetings

- The majority of the landing and launching sites (including destination sites) identified in the Water Trail Plan as potential Water Trail sites will become official (designated) Water Trail sites. Sites not identified in the Water Trail Plan may also become designated WT sites.
- Information collected about each site will be used in various Water Trail media, such as brochures, maps, a website, and eventually guidebook.
- Some site improvements will be funded with ABAG (Coastal Conservancy block grant), Coastal Conservancy, Cal Boating, or other funding sources, as appropriate to the site, the WT as a whole, and the funding source.
- Stewardship of trailheads and significant minimization of adverse impacts on the Bay’s resources, including natural, cultural, and historic features, will increase as a result of educational programs and personal experiences on the Bay.
- Opportunities to take multiple-day trips on the Bay will be increased.
- Opportunities will be made for public review and participation in the process.

### Decision Making

- Only the PMT has decision-making authority. In striving to reach decisions on trailhead designation, the PMT will seriously consider the guidance, interests and concerns of all Advisory Committee and Stakeholder Group members. Within the PMT, members will strive to reach consensus among themselves on decisions. Consensus here is not defined as one hundred percent agreement on the issue under consideration. Instead, it means that all PMT members either fully support a proposed decision, or, if efforts to reach consensus are not successful, all members can "live with" a majority proposal moving forward. “Live with” means that those with a minority viewpoint may have serious disagreement with the proposal, but do not wish to block or veto it. In these cases, minority viewpoints will be clearly documented. If the minority wishes to veto or block the decision, the decision will not pass. If the PMT is evenly split, it can, as desired, continue deliberating until it identifies a proposal that all members can live with, suspend the deliberation and revisit it on a future agenda, or suspend consideration of the site indefinitely.
- The Advisory Committee will strive for consensus in its guidance to the PMT. In striving to reach consensus, the Advisory Committee considers the interests and concerns of all members as well as other relevant perspectives. If, after full exploration and discussion of an issue, the Advisory Committee is not able to achieve consensus, the Water Trail Staff will document the range of viewpoints and majority and minority guidance for PMT consideration.

- The Stakeholder Group will provide individual guidance on sites or subjects of special interest or concern. Both the Advisory Committee and PMT will consider Stakeholder Group input.
- Some trailhead designation decisions will need to be conditioned on the Conservancy board making findings under CEQA if trailhead designation for a particular trailhead is not fully covered under the Water Trail FEIR.

### **Meeting Conduct**

All meeting attendees agree to:

- Act in good faith in all aspects of the implementation process and to communicate their interests.
- Develop a problem-solving approach, considering interests and viewpoints of all group members in addition to their own.
- Attend meetings as consistently as possible.
- Provide pertinent information to the group and respect tentative or sensitive data as such.
- Listen and openly discuss issues with others.
- Maintain a collaborative spirit. This includes listening for understanding, working to establish trust among stakeholders, sharing information to clarify issues and eliminate false assumptions, and working to maintain a productive, collegial environment.

### **Conflict of Interest**

- PMT members, each of whom is an employee of a public entity and in that capacity engaged in governmental decision-making, is subject to the Political Reform Act and its disclosure and disqualification provisions. In addition, as public employees engaged in governmental decision-making, the PMT members are also subject to other conflict of interest laws. The requirements of the Political Reform Act and other conflicts legislation which covers public officials and employees are outlined in detail in the guide entitled *Conflicts of Interest*, prepared and published by the California Office of the Attorney General and found at the following web-link: [http://ag.ca.gov/conflict\\_interest/](http://ag.ca.gov/conflict_interest/).
- Advisory Committee members do not make decisions on designation and therefore are not subject to the requirements of the Political Reform Act. Nonetheless, in connection with advising the PMT and in the interest in transparency, the Advisory Committee members should identify any direct or indirect financial interests that may relate to any given site. Although it is expected that the Advisory Committee members will provide information, input and insight within their particular area of expertise on all proposed sites, in their capacity as an Advisory Committee member, each member should refrain from participating in any *determination* on or *advocating* for any site in which the member is financially interested.

### **Agendas and Meeting Materials**

- Water Trail Staff will develop agendas and meeting materials in consultation with the PMT, Advisory Committee, and Stakeholder Group. In particular, Water Trail

Staff will work closely with site owners and managers prior to meetings at which particular trailheads are being considered for designation and/or funding.

- Water Trail Staff will notice and make key meeting materials available to the public at least 10 days in advance of each meeting.
- Water Trail Staff will prepare concise meeting summaries to document implementation progress, PMT decisions, Advisory Committee guidance, Stakeholder Group input, and action items. Meeting summaries will be posted online.

### **Communication with Media & Constituents**

- All members of the Water Trail Implementation process are asked to refer media inquiries to Water Trail Staff. When members do discuss their individual opinions with the media, they are asked to avoid characterizing the opinions of others and to make it clear when they are expressing their own opinion.

### **Public Meetings**

- All meetings in which the PMT will make decisions about trailhead designation will be open to the public.
- See note under Decision-Making about Conservancy board meetings.

### **Meeting Schedule**

- It is anticipated that quarterly joint meetings of the PMT and Advisory Committee will be required to accomplish in a timely manner the expected work that trailhead designation will entail. However, this schedule may vary, depending on the progress of Water Trail implementation.

### **Ground Rules**

- All meeting participants are asked to use common conversational courtesy. (Please do not interrupt or use inappropriate language, please avoid third party discussions, etc.)
- Humor is welcome and important, but should never be used at someone else's expense.
- All ideas and points of view have value. The purpose of the Advisory Committee is to share expertise, ideas, and various perspectives. Members are not required to defend or promote their perspective, but they are asked to share it. If they believe another approach is better, they may offer it as a constructive alternative. Members are asked to avoid ascribing motives or “labeling” others.
- Members have the right to change their minds as information is discussed and conditions change.
- Cell Phone/ PDA Courtesy. Please turn cell phones or any other communication item to “silent” or “vibrate” during meetings and leave the room promptly if you must respond verbally to a call.
- Be comfortable. Please take personal breaks as needed.
- Honor time. Meeting agendas will be very full. In order to achieve goals it will be important to follow the time guidelines provided by the facilitator/Water Trail Staff.

**Amendments**

As Water Trail implementation progresses, the Project Management Team and Water Trail Staff, with Advisory Committee guidance, may make adjustments to this process and/or Charter to enhance attainment of the goals of the Water Trail Act and Water Trail Plan.