



Decision Recommendation Framework

Paradise Cut Bypass Expansion and Multi-Benefit Project

Introduction

This Decision Recommendation Framework outlines the responsibilities, composition, and governance processes of the entities responsible for advice and recommendations related the Paradise Cut Bypass Expansion and Multi-Benefit Project (Project). The San Joaquin Area Flood Control Agency (SJAFC), in coordination with the California Department of Water Resources (DWR), has delegated certain Paradise Cut Project's responsibilities to the Paradise Cut Management Team, Advisory Committee, and Technical Review Panel. The Decision Recommendation Framework constitutes a commitment by the Project's participants to cooperatively contribute to the overall success of the Project. SJAFC and the Chair of the Advisory Committee will approve this Decision Recommendation Framework and all amendments.

1. Project Background

Local agencies have partnered with the California Department of Water Resources (DWR) and other organizations to develop the Paradise Cut Bypass Expansion and Multi-Benefit Project for over ten years. The Project will propose an expanded flood bypass to reduce flood risk along the San Joaquin River, channel depth restoration and capacity expansion to increase water supply reliability for in-Delta users, downstream flood risk reduction projects, and floodplain, wetland, and riparian habitat enhancements to help restore the landscape-scale nature-based ecosystem functions necessary for climate change resilience.

Project proponents have successfully worked with numerous state and local entities to engage local agencies and the public about development of the Project, including technical feasibility and quantitative modeling of the impacts and benefits. Phase 1 of the Project, funded with a grant from the Sacramento-San Joaquin Delta Conservancy to the San Joaquin County Resource Conservation District (SJCRCD), included preliminary planning and hydraulic modeling, Project outreach and agency coordination, and a detailed permitting strategy. The Project continued into Phase 2 with another grant from the Sacramento-San Joaquin Delta Conservancy and included the development of strategies to address concerns of landowners and reclamation districts downstream of the Project, as well as identification of additional technical analyses and studies needed to address local concerns. The Phase 2 Project team also successfully executed a 2022 Memorandum of Understanding (2022 MOU) identifying SJAFC as the future Project lead. The MOU also created an eight-member Advisory Committee consisting of representatives from SJAFC, local reclamation districts, a local municipality, the South Delta Water Agency, and American Rivers to recommend actions related to the Project to SJAFC, a commitment to support South Delta channel restoration, and an agreement to partner on pursuing funding for the Project.

For Phase 3, SJAFC is partnering with DWR to advance a feasibility study to further develop the Project as described in the 2023 Funding Agreement ("2023 Agreement") between SJAFC and DWR (effective July 1, 2023). The feasibility study will create a foundational compilation of

analyses, knowledge, and design alternatives used to advance subsequent phases of the Project, including development, evaluation, and selection of preliminary Project alternatives to prepare the Project for environmental compliance and advance design stages in a subsequent phase. The 2023 Agreement also created the Paradise Cut Management Team, consisting of representatives of local and state agencies who participated in the Phase 2 planning process. The Paradise Cut Management Team will be responsible for administering the selection of the Technical Review Panel and will support SJAFCA with completion of the Phase 3 deliverables in the 2023 Agreement.

2. DWR Acknowledgements

DWR recognizes the efforts and investments contributed from the various reclamation districts in the Project area, as well as the various agencies including South Delta Water Agency, SJCRCD, American Rivers, and SJAFCA. DWR acknowledges that many reclamation districts and various agencies are signatories to the 2022 MOU and elected SJAFCA as the lead agency in furtherance of the Paradise Cut Bypass Expansion and Multi-benefit Project. SJAFCA has entered into a funding agreement with DWR and is responsible for deliverables. This Decision Recommendation Framework and the 2022 MOU cannot conflict with the 2023 Agreement or any state law. Discretionary decision-making cannot be delegated to other entities outside of SJAFCA's jurisdiction, SJAFCA is required to exercise independent judgment in its analyses and is responsible for Project deliverables. DWR welcomes and encourages participation through the Advisory Committee to provide feedback and recommendations to SJAFCA and the Project team.

3. Purpose

SJAFCA has entrusted certain responsibilities to the Paradise Cut Management Team, Advisory Committee, and Technical Review Panel described in this Decision Recommendation Framework. This Decision Recommendation Framework develops a process to facilitate the expeditious completion of Project deliverables in the 2023 Agreement between SJAFCA and DWR with the goal of fostering collaborative partnerships that result in a proposed viable, cost-effective alternative for the Project. This framework is intended to be used in tandem with the Paradise Cut Bypass Expansion and Multi-Benefit Project Engagement Strategy.

4. Approval and Amendments

SJAFCA is responsible for approval of the Decision Recommendation Framework and all amendments. The Paradise Cut Management Team will recommend approval of this Decision Recommendation Framework, as well as any subsequent amendments, to the Advisory Committee. The Advisory Committee will recommend approval of this Decision Recommendation Framework, as well as any subsequent amendments, to SJAFCA. The Executive Director and the Chair of the Advisory Committee will be signatories on the Framework.

5. Scope and Limitations

This Decision Recommendation Framework applies to the entities responsible for advice and decisions related to Project deliverables associated with the feasibility study under the 2023 Agreement between DWR and SJAFCA and does not apply to future phases of the project.

6. Project Team

Figure 1 shows the composition of entities responsible for advice and recommendations related to the Project, namely SJFACA, DWR, the Advisory Committee, the Paradise Cut Management Team, the Technical Review Panel, and the Paradise Cut Consultant Team. Figure 2 illustrates how these entities will interact to make recommendations. The Paradise Cut Management Team, SJAFCA, DWR, and the Consultant Team will handle routine Project decisions and oversee the successful implementation of Project deliverables, while the Advisory Committee will be involved with providing input to the Paradise Cut Management Team and SJAFCA regarding major Project milestones or strategic issues. The relationship between the Advisory Committee and SJAFCA is outlined in the MOU.

PARADISE CUT BYPASS EXPANSION AND MULTI-BENEFIT PROJECT TEAM ORGANIZATION



¹San Joaquin Area Flood Control Agency

²South Delta Water Agency

³Reclamation District

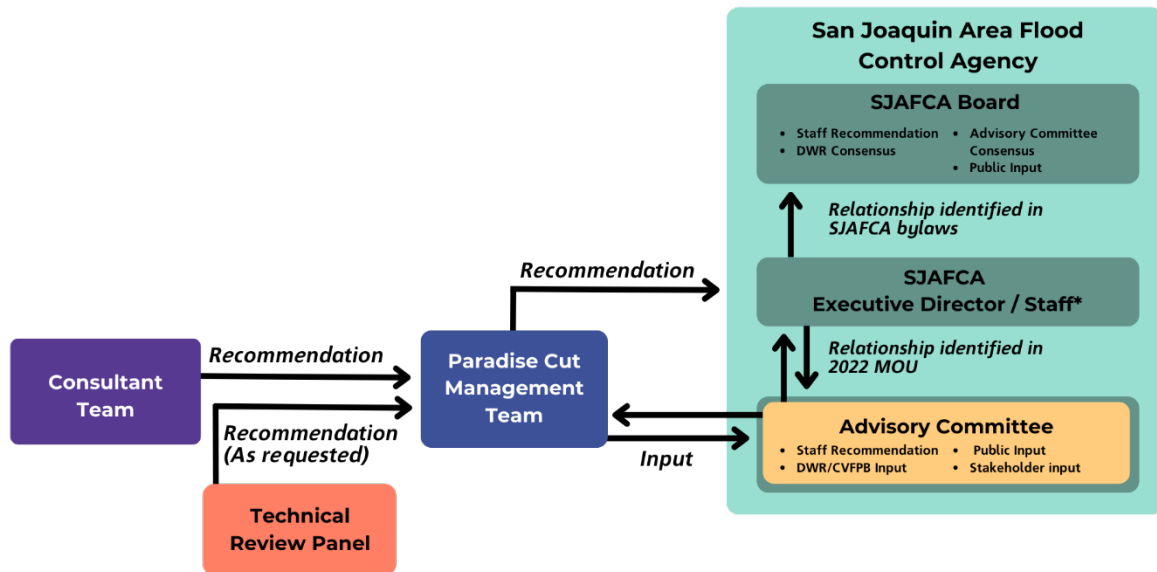
⁴Department of Water Resources

⁵Central Valley Flood Protection Board

⁶San Joaquin County Resource Conservation District

Figure 1: Paradise Cut Team

PARADISE CUT BYPASS EXPANSION MULTI-BENEFIT PROJECT RECOMMENDATION PROCESS



*Per the 2022 MOU, SJAFCA’s Executive Director will bring all actions requiring Board action to the Advisory Committee prior to seeking Board approval.

Figure 2: Recommendation Process

5.1 San Joaquin Area Flood Control Agency (SJAFCA)

5.1.A Responsibilities

As the lead agency, SJAFCA is responsible for the overall Project execution. SJAFCA will execute contracts with consultants to support Project development, will manage the 2023 Agreement with DWR, and will manage financial agreements with consultants. SJAFCA also will lead the Paradise Cut Management Team and the Advisory Committee, approve the Technical Review Panel selections, and manage the Paradise Cut Consultant Team. The SJAFCA Executive Director or designee will serve as a member of the Advisory Committee and will recommend actions related to the Project to SJAFCA as needed. SJAFCA will work closely with DWR to make decisions and ensure compliance with the 2023 Agreement.

5.1.B Composition

SJAFCA is a Joint Powers Authority between the City of Stockton, City of Lathrop, City of Manteca, San Joaquin County, and the San Joaquin County Flood Control and Water Conservation District for the purpose of addressing flood protection for the City of Stockton and surrounding County area. The Board of Directors is comprised of one (1) member of the San Joaquin County Flood Control and Water Conservation District; one (1) member of the Board of Supervisors of the County; two (2) members from Stockton City Council; two (2) members from Lathrop City Council; two (2) members from Manteca City Council; and one (1) member of the public, appointed by a simple majority of the other Board members, who shall reside or work within the boundaries of the Agency. The Paradise Cut region is not currently in SJAFCA's service area, although the Project will provide improved flood protection to jurisdictions within SJAFCA's interest area.

5.1.C Meetings

The SJAFCA Board meets on the third Thursday of the month.

5.1.D Governance

SJAFCA is the lead agency furthering the feasibility study defined in the 2023 Agreement between SJAFCA and DWR. SJAFCA is responsible for all decisions related to the feasibility study subject to DWR approval consistent with the 2023 Agreement. The Decision Recommendation Framework empowers the Paradise Cut Management Team, Advisory Committee, and Technical Review Panel with specific responsibilities and make develop project recommendations. While these entities play crucial roles, SJAFCA retains ultimate authority and accountability for the project's success. The 2023 Agreement describes SJAFCA (the Funding Recipient) as the lead agency and the role of the Advisory Committee on page 11:

“... the Funding Recipient's Board authorized entry into a memorandum of understanding (MOU) with several local interested parties affirming the Funding Recipient as the Lead for the Project. As part of this MOU, representatives of a local collation (sic) that have previously worked on the Project would participate in an advisory committee.”

The 2022 MOU defines SJAFCA's role as the lead agency furthering the “Investigation” of the Project, defined as the study of the technical and financial feasibility of the proposed Project as follows:

“SJAFCA will bring all actions related to the Investigation to the Advisory Committee prior to seeking any needed approval from SJAFCA Board of Directors. If a majority of the Advisory Committee members vote to recommend approval of an action to the SJAFCA Board of Directors, SJAFCA staff will bring that recommendation to the SJAFCA Board of Directors for consideration. If the Advisory Committee does not recommend the action

or if SJAFCA Board of Directors disagrees with a recommended action, SJAFCA staff will utilize the dispute resolution process outlined in this MOU to resolve the disagreement.”

The Paradise Cut Management Team will make provide input to the Advisory Committee and make recommendations to SJAFCA, including SJAFCA’s Executive Director and staff, the Board of Directors, and the Advisory Committee (considered a part of SJAFCA’s decision-making process per the MOU). The Advisory Committee and SJAFCA staff will in turn provide input to the Paradise Cut Management Team and SJAFCA’s Executive Director and staff. The actions that will be taken before the SJAFCA Executive Director and Board of Director’s for approval will be 1) the final array of alternatives including the technical analysis, 2) the final recommendation memorandum that includes the technical analysis supporting the selection, 3) and the draft feasibility study report. As the project progresses, SJAFCA and the Paradise Cut Management Team may recommend additional items to be approved by the Board or SJAFCA’s Executive Director. Throughout the Project, the Board will be briefed on the status, any project risks, and the outcomes of the strategic outreach. The Paradise Cut Consultant Team, specifically the Facilitator/Community Engagement Specialist, is responsible for facilitating discussion of Project-related actions at the Advisory Committee meetings consistent with SJAFCA direction. SJAFCA is responsible for facilitating discussion of Project-related actions at the Paradise Cut Management Team and SJAFCA Board of Directors meetings.

The MOU also outlines the following dispute resolution process:

“SJAFCA staff will initially work with the Chair of the advisory committee and the Chair of the SJAFCA Board of Directors to resolve any dispute. If this effort is unsuccessful, SJAFCA staff will utilize a professional mediator to resolve the issue. If no agreement can be reached, the SJAFCA Board of Directors maintains the authority to make the final decision.”

5.2 Department of Water Resources (DWR)

5.2.A Responsibilities

DWR is a state agency responsible for managing California’s water resources, systems, and infrastructure in a responsible, sustainable way. DWR’s mission is to sustainably manage the water resources of California, to benefit the state’s people and protect, restore, and enhance the natural and human environments. DWR has delegated responsibility for leading the Project to SJAFCA through the 2023 Agreement but works in partnership with SJAFCA to develop and approve Project deliverables consistent with the 2023 Agreement.

5.2.B Composition

DWR's Director is appointed by the Governor of the State of California. The Lead Deputy Director of DWR oversees the Division of Multi-Benefit Initiatives, the DWR division responsible for administration of the 2023 Agreement.

5.2.C Meetings

DWR staff meet as needed to partner on the Project.

5.2.D Governance

A DWR representative is a voting member of the Paradise Cut Management Team. A DWR representative is a non-voting member of the Advisory Committee.

5.3 Paradise Cut Management Team

5.3.A Responsibilities

The Paradise Cut Management Team provides feedback to the Paradise Cut Consultant Team consistent with SJAFCA direction and recommends Project-related actions to SJAFCA and provides input to the Advisory Committee, including actions related to selection of consultants, the development of the feasibility study, and community engagement strategies. To support the feasibility study, the Paradise Cut Management Team selects the Technical Review Panel. The Technical Review Panel provides the Paradise Cut Management Team with recommendations regarding Project deliverables.

5.3.B Composition

Per the 2023 Agreement between DWR and SJAFCA, the Paradise Cut Management Team will include members from the planning team responsible for implementing Phase 2 of the Project. As shown in Figure 3, the Paradise Cut Management Team will include one representative from SJAFCA, DWR, the San Joaquin County Resource Conservation District (SJCRCD), the South Delta Water Agency, and American Rivers. Other representatives from member organizations may attend, but only one representative from each organization may vote.

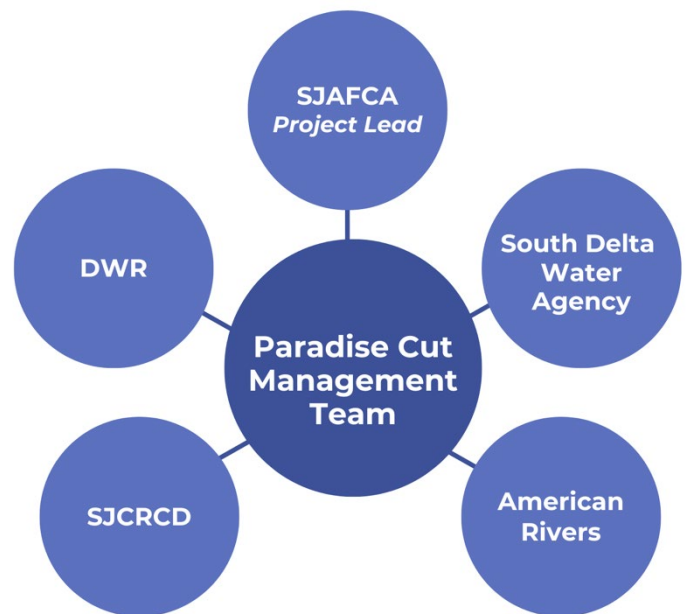


Figure 3: Paradise Cut Management Team

5.3.C Meetings

The Paradise Cut Consultant Team, specifically the Project Manager, will facilitate the Paradise Cut Management Team meetings consistent with SJAFCAs direction. The Paradise Cut Management Team will meet as frequently as needed, subject to approval by members, to advance the Project.

5.3.D Governance

The Paradise Cut Management Team will strive for consensus. The Project Manager will develop minutes from every meeting, including actions and recommendations. While the Paradise Cut Management Team does not need to formally vote to recommend an action to the Advisory Committee, the Project Manager may call for a vote on an action if the Paradise Cut Management Team cannot agree on an action. Such recommendations will require a majority vote, defined as more than half of the votes cast by members entitled to vote at a meeting. A quorum is not required to convene the Paradise Cut Management Team, but a quorum is necessary for the Paradise Cut Management Team to vote. Each member present has one vote.

SJAFCAs staff, the Project Manager, and the Facilitator/Community Engagement Specialist responsible for convening the Advisory Committee will ensure any disagreement on an action recommended by the Paradise Cut Management Team to the Advisory Committee is communicated in writing to the Advisory Committee, including members present and the results of the vote. If SJAFCAs staff disagree with a recommendation of the Paradise Cut Management Team, SJAFCAs staff will present information about the Paradise Cut Management Team position to the Advisory Committee, as well as justification for a staff recommendation that is different from the Paradise Cut Management Team recommendation.

5.4 Advisory Committee

5.4.A Responsibilities

The Advisory Committee is responsible for providing input related to the Project to the SJAFCA and the PCMT. Per the 2022 MOU, the Advisory Committee agrees to work together in good faith to advance an investigation which is designed to support eventual implementation of a Project” and “the parties agree that SJAFCA will act as the lead in pursuing the Investigation.” Also, the Advisory Committee is charged with helping to “maintain a high level of coordination and communication with South Delta reclamation districts during investigation and planning.”

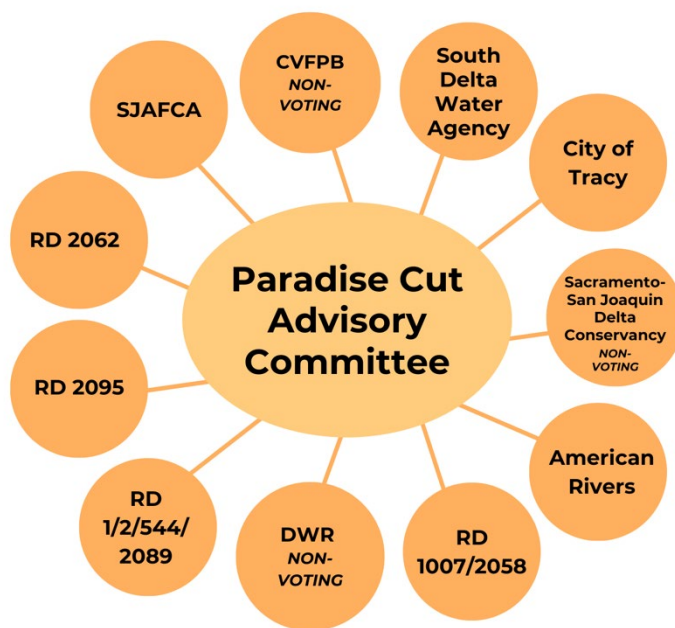


Figure 4: Advisory Committee Members

5.4.B Composition

As illustrated in Figure 4, the Advisory Committee consists of SJAFCA, the South Delta Water Agency, four representatives from RDs (three downstream of Paradise Cut and RD 2095), a representative from a local municipality, and American Rivers or another non-profit selected by American Rivers. The Advisory Committee approved adding DWR, the CVFPB, and the Sacramento-San Joaquin Delta Conservancy as non-voting members of the Advisory Committee. The Advisory Committee’s officers shall consist of a Chair and Vice-Chair, who the Advisory Committee will select by majority vote. The Chair shall preside over all meetings and ensure the execution of the Advisory Committee’s responsibilities. The Vice Chair shall assist the Chair and assume the Chair’s duties in their absence. The Chair and Vice Chair shall serve for the duration of the work to complete the deliverables in the SJAFCA and DWR 2023 Agreement, unless the Chair and/or Vice Chair voluntarily resign, or the Committee votes to replace the Chair and/or Vice Chair.

5.4.C Meetings

The Paradise Cut Consultant Team, specifically the Facilitator/Community Engagement Specialist, will facilitate the Advisory Committee meetings consistent with the Ralph M. Brown Act. The Facilitator/Community Engagement Specialist will schedule the Advisory Committee meetings on the first Monday of each month and reschedule or cancel the meetings as needed in coordination with the Chair and SJAFCA staff.

5.4.D Governance

Advisory Committee recommendations require a majority vote. A majority vote is defined as more than half of the votes cast by members entitled to vote at a meeting at which a quorum is present. A quorum for the purposes of voting is defined as the presence of at least fifty percent of the voting members. The Advisory Committee may not conduct items of business without a quorum. As illustrated in Figure 2 the Paradise Cut Management Team will provide recommendations to SJAFCA and provide input to the Advisory Committee and the Advisory Committee will provide recommendations to SJAFCA. The Advisory Committee will consider feedback from the PCMT, DWR, the public, and other interested parties as part of the recommendation process to SJAFCA. If SJAFCA staff disagree with a recommendation of the Advisory Committee, SJAFCA staff will present information to the SJAFCA regarding the Advisory Committee position as well as justification for a staff recommendation that is different from the Advisory Committee recommendation. The Advisory Committee will provide recommendations to the SJAFCA, but the SJAFCA Board and Directors and DWR will coordinate on final decisions. As part of the 2023 Agreement, DWR approves all project deliverables.

5.5 Technical Review Panel

5.5.A Responsibilities

The Technical Review Panel will evaluate technical analyses, identify any pertinent technical shortcomings of this work, make recommendations on additional technical analyses or model updates required to advance the Project, and review technical products produced under this scope of work. The Technical Review Panel will review grant deliverables as outlined by the quality management plan.

5.5.B Composition

The Technical Review Panel is comprised of individuals with experience relevant to the objectives of the Project and experience in the San Joaquin River and Delta systems. SJAFCA, working within a collaborative selection process administered by the Paradise Cut Management Team, will select and retain independent technical experts to meet this objective as well as to comply with anticipated U.S. Army Corps of Engineers (USACE) Safety Assurance Reviews and Urban Levee Design Criteria guidelines in future phases of work. The Technical Review Panel includes consultants specializing in key disciplines of the project, such as civil, geotechnical, environmental and permitting, hydrology and hydraulics, sediment modeling, and Delta and regulatory expertise. The Paradise Cut Management Team may add other independent members and disciplines as the Project advances.

5.5.C Meetings

SJAFCA will convene Technical Review Panel meetings as needed.

5.5.D Governance/ Administration

SJAFCA will direct the work of the Technical Review Panel. The Technical Review Panel will review grant deliverables outlines in the quality management plan prior to Paradise Cut Management Team review.

5.6 Paradise Cut Consultant Team

5.6.A Responsibilities

The Paradise Cut Consultant Team is contracted with SJAFCA and supports completion of work associated with the Project including project management, facilitation of the Advisory Committee, community engagement, and development of the feasibility study for the Project.

5.6.B Composition

The Paradise Cut Consultant Team is comprised of a Project Manager, Facilitator/Community Engagement Specialist, and the Feasibility Study Technical Team.

5.6.C Meetings

SJAFCA will convene meetings as needed.

5.6.D Governance/ Administration

SJAFCA will direct the work of the Paradise Cut Consultant Team.

7. Approval

As Chair of the Advisory Committee, I have reviewed and approve this Decision Recommendation Framework, affirming my agreement with the responsibilities, composition, and governance processes of the entities responsible for advice and decisions related the Paradise Cut Bypass Expansion and Multi-Benefit Project.

 11/22/24 Date
John Herrick
Chair, Advisory Committee
South Delta Water Agency

As Executive Director of SJAFCA, I have reviewed and approve this Decision Recommendation Framework, affirming my agreement with the responsibilities, composition, and governance processes of the entities responsible for advice and decisions related the Paradise Cut Bypass Expansion and Multi-Benefit Project.

 11/26/24 Date
Chris Elias
Executive Director
San Joaquin Area Flood Control Agency

8. Amendments

Amendments to the Decision Recommendation Framework are documented below.

Amendment Number	Date	Changes Made	Reason for Amendment	SJAFCA Executive Director Signature