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TO: See Attached List (Sent via Email)

Delta TMDL Stakeholder Group Invitation

Dear Delta Stakeholder,

I want to begin by thanking you for your continued participation in the stakeholder process supporting the Delta Methylmercury Total Maximum Daily Load (Delta TMDL). I understand the time and resource commitment you have made to be a part of this process and I am grateful for your contributions and assistance to this very important regulatory program.

As you may recall, several months ago with the assistance of the Center for Collaborative Policy (CCP) we proposed creating a formal stakeholder process for the Delta TMDL. This formal process would build on and continue from the efforts and progress made through the more ad-hoc stakeholder group that has met since December. A more formal process would involve designated representatives working within a structured approach to provide further guidance for the successful development and implementation of the Delta TMDL. While the ad-hoc approach has been invaluable to broaden the discussion and create shared meaning between stakeholders, I believe the process is best served by having a representative group that has agreed on rules and methods to make recommendations. We discussed this process at our 21 April stakeholder meeting. Following that meeting, my staff and Dave Ceppos with CCP presented this process to the Regional Board at their 23 April meeting. At the conclusion of the item, the Board affirmed a formal stakeholder process is the appropriate direction to take for the Delta TMDL.

Unfortunately, all of us have experienced great uncertainty regarding budgets and the funding for a continued facilitated stakeholder group was in jeopardy. I am pleased to report that discussions between stakeholders and Board staff has resulted in generous financial and in-kind support to continue the stakeholder process for the Delta TMDL. We can now proceed with the original approach to convene the more structured stakeholder group.

In that context and on behalf of the Water Board, I invite you to participate on the Delta TMDL Stakeholder Group (Stakeholder Group) (*Attachment A presents other stakeholders I am inviting to participate*). The intent of the formal Stakeholder Group is to continue the excellent work many of you have done already in the ad-hoc process. The following provides more detailed discussion on the background leading to this invitation and highlights the next steps for the stakeholder process.

Background: As referred to above, Delta TMDL stakeholder meetings have been taking place in an ad-hoc manner monthly since 19 December 2008. Prior to that, CCP conducted a

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comprehensive interview assessment process (Assessment) with over 60 stakeholders to discuss issues related to the Delta TMDL. Through the Assessment and initial public meetings, stakeholders have discussed an approach to complete the Delta TMDL in a timely manner such that commitments made to the US Environmental Protection Agency by the Water Board can be upheld, and concerns of regional stakeholders can be addressed.

Water Board staff and the Stakeholder Group will work together to finalize the various requirements of the TMDL and Basin Plan amendments for Board consideration by January 2010. As part of the Basin Plan amendment, staff and the Stakeholder Group will create an adaptive framework for future implementation of the Delta TMDL. This "Implementation Plan" will define mutually acceptable approaches on how the TMDL will be adaptively implemented over time.

Proposed Next Steps: In addition to the monthly stakeholder meetings, many of you have volunteered your time since February 2008 to serve on topic-specific "Workgroups". These Workgroups focus on specific aspects of the Delta TMDL and are creating proposed approaches to be brought to the larger Stakeholder Group for stakeholder and general public consideration. These Workgroups have and will allow additional stakeholders not invited to sit on the Stakeholder Group an opportunity to be actively involved in the development of recommendations. Our challenge now is to create a representative group of stakeholders that will conduct structured, balanced discussions about mercury in the Delta. Our goal is to create a group that equitably (but not exhaustively) represents the range of stakeholders affected by the proposed Delta TMDL. Using a mutually agreed on set of operating guidelines and decision methods (referred to as a Charter), the Stakeholder Group will consider proposed information from the topic-specific Workgroups, Staff, and the general public to seek consensus on a feasible, legally appropriate Delta TMDL.

I know some people believe it is impracticable to convene a cross section of affected Delta stakeholders to speak for all stakeholders. Some stakeholders may be concerned that their interests will not be adequately represented. However, other stakeholders have contacted me supporting this approach and emphasized the need to have a coordinated group of people working together to provide meaningful, balanced recommendations to the Board. I understand the dilemma; however, this topic is complex and it needs a place where a consistent set of stakeholders can meet regularly, share respective concerns, try to balance solutions and impacts, and make recommendations (either in consensus or as a diverse range of options) to the Board. The Board is the ultimate decision-maker, weighing input from all stakeholders while following applicable regulations and policies. The Stakeholder Group will provide greater clarity to the Board on topics that might be broadly acceptable, and topics that cannot be resolved by stakeholders and must be resolved by the Board.

All Stakeholder Group meetings and Workgroup meetings will be open and noticed to the public such that larger audiences of affected stakeholders have an opportunity to participate in the process. All stakeholders that have been attending the monthly meetings remain valued participants in the effort. They are encouraged to continue attending the meetings and provide input during open discussion periods. The formal Stakeholder Group is responsible to listen, learn, and consider all appropriate feedback.

If you are willing to participate on the Stakeholder Group, you should expect to attend at least one 4-6 hour meeting a month from June to January 2010. You will also be encouraged to

participate in (or have an alternate participate in) the topic-specific Workgroups as appropriate. I ask that you respond back to me by 23 June 2009 with a letter of commitment from you or your organization that you are willing to participate on the Stakeholder Group and to support the time demands that this effort will take.

In closing, I want to thank you for your continued and valuable support to our Delta TMDL development. I know these are very busy times for all Delta stakeholders. The range and frequency of Delta policy initiatives needing immediate attention is very challenging to balance. However, the Delta TMDL is an integral component to several other Delta efforts. Completing a Delta TMDL that achieves multiple stakeholder interests and serves the necessary goal of improved Delta water quality is a critically important component of these other Delta initiatives.

Sincerely,

Kenneth D. Landau for

PAMELA C. CREEDON
Executive Officer

Attachment: Stakeholder List