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November 15, 2007

John Kirlin, Executive Director  
Delta Vision Program  
1416 Ninth Street, 13th Floor  
Sacramento, CA 95814

RE: Additional Information related to Governance

Dear Mr. Kirlin:

You asked this office to provide you with additional information related to potential governance options for the Delta Vision. This letter attaches information on the following items:

1. The Delaware River Basin Commission and the Susquehanna River Basin Commission.
2. Existing terminology used under federal and state law for describing different types of areas that have a special legal status.

Please contact me if you would like further information.

Sincerely,

A handwritten signature in cursive script that reads "Danae J. Aitchison".

DANAE J. AITCHISON  
Deputy Attorney General

For EDMUND G. BROWN JR.  
Attorney General

Attachments

## Information on Delaware River Basin Commission and Susquehanna River Basin Commission

### Delaware River Basin Commission

Pursuant to the Delaware River Basin Compact, the states of Delaware, New Jersey, New York, and Pennsylvania joined with the United States to form the Delaware River Basin Commission (DRBC) in 1961. The purpose of the Commission is to serve as a regional agency to provide a unified approach to managing the Delaware River system without regard to the political boundaries of the various states. (Delaware River Basin Compact, § 1.3, subds. (c) - (e) see also Delaware River Basin Commission website, <http://www.state.nj.us/drbc/over.htm>.) Prior to the DRBC, the water resources of the basin were:

“subject to the duplicating, overlapping, and uncoordinated administration of some forty-three State agencies, fourteen interstate agencies, and nineteen Federal agencies which exercise a multiplicity of powers and duties resulting in a splintering of authority and responsibilities. . . .” (Delaware River Basin Compact, p. 2.)

The Compact created a single regional agency comprised of five members, one from each of the four states and one from the United States. (*Id.*, art. 2, pp. 2-3.)

The DRBC was charged with developing and maintaining a comprehensive plan for the river basin. (*Id.*, § 3.2, pp. 7-8.) Its powers include the authority to allocate water resources of the basin among the states and to impose conditions thereon, subject to certain limitations. (*Id.*, § 3.3, p. 8 and art. 10, pp. 18-19.) The DRBC is also involved in water supply development, water pollution control, flood control, recreation, watershed management, and hydro-electric power generation. (*Id.*, pp. 12-18.)

The Compact addresses the relationship between the states and the federal government in two ways. First, the federal government is a member of the DRBC on equal footing with each of the state members and can vote. (*Id.*, art. 2, pp. 2-3; see <http://www.state.nj.us/drbc/over.htm>.) Second, the Compact requires that all federal projects affecting water resources must be planned in consultation with the DRBC. (*Id.*, art. 11, pp. 20-21.) No federal projects may proceed unless included within the DRBC comprehensive plan. (*Ibid.*) Where a federal project is included in the DRBC comprehensive plan, but changes substantially, it is subject to further review by the DRBC before it can proceed. (DRBC, Rules of Practice and Procedure, § 2.1.8.)

### Susquehanna River Basin Commission

Pursuant to the Susquehanna River Basin Compact, the states of Pennsylvania, Maryland, and New York joined with the United States to form the Susquehanna River Basin Commission (SRBC) in 1968. The SRBC is very similar in its purpose, powers, and duties to the DRBC and appears to have been modeled after the earlier regional agency. The relationship between the federal government and the states in the SRBC is basically identical to that for the DRBC. (See Susquehanna River Basin Compact, art. 12, pp. 19-21.)

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Term/Managing Agency	Examples	Definition with Reference
<p><b>“National Park”</b> National Park Service</p>	<p>Channel Islands Death Valley Joshua Tree Kings Canyon Lassen Volcanic Yosemite</p>	<p>Generally large natural places having a wide variety of attributes, at times including significant historic assets. Hunting, mining and consumptive activities are not authorized. <a href="http://www.nps.gov/goga/planyourvisit.designations.htm">http://www.nps.gov/goga/planyourvisit.designations.htm</a></p>
<p><b>“National Monument”</b> National Park Service</p>	<p>Cabrillo Devils Postpile Lava Beds Muir Woods Pinnacles</p>	<p>Antiquities Act of 1906 authorized President to declare by public proclamation landmarks, structures, and other objects of historic or scientific interest situated on lands owned or controlled by the government. <a href="http://www.nps.gov/goga/planyourvisit.designations.htm">http://www.nps.gov/goga/planyourvisit.designations.htm</a></p>
<p><b>“National Preserve”</b> National Park Service</p>	<p>Mojave</p>	<p>Areas having characteristics associated with national parks, but in which Congress has permitted continued public hunting, trapping, oil/gas exploration and extraction. Many existing national preserves, without sport hunting, would qualify for national park designation. <a href="http://www.nps.gov/goga/planyourvisit.designations.htm">http://www.nps.gov/goga/planyourvisit.designations.htm</a></p>

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Term/Managing Agency	Examples	Definition with Reference
<p><b>“National Historic Site”</b> National Park Service</p>	<p>Eugene O’Neill Fort Point John Muir Manzanar</p>	<p>Contains a single historical feature that was directly associated with its subject. Derived from the Historic Sites Act of 1935, a number of historic sites were established by Secretaries of the Interior, but most have been authorized by acts of Congress.</p> <p><a href="http://www.nps.gov/goga/planyourvisit.designations.htm">http://www.nps.gov/goga/planyourvisit.designations.htm</a></p>
<p><b>“National Historical Park”</b> National Park Service</p>	<p>Rosie the Riveter WWII Home Front San Francisco Maritime</p>	<p>Generally applies to historic parks that extend beyond single properties or buildings. National Memorial: A national memorial is commemorative of a historic person or episode; it need not occupy a site historically connected with its subject.</p> <p><a href="http://www.nps.gov/goga/planyourvisit.designations.htm">http://www.nps.gov/goga/planyourvisit.designations.htm</a></p>
<p><b>“National Battlefield”</b> National Park Service</p>		<p>Includes national battlefield, national battlefield park, national battlefield site, and national military park.</p> <p><a href="http://www.nps.gov/goga/planyourvisit.designations.htm">http://www.nps.gov/goga/planyourvisit.designations.htm</a></p>

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Term/Managing Agency	Examples	Definition with Reference
<p><b>“National Cemetery”</b> National Park Service</p>		<p>14 national cemeteries in the National Park System, all of which are administered in conjunction with an associated unit and are not accounted for separately.   <a href="http://www.nps.gov/goga/planyourvisit.designations.htm">http://www.nps.gov/goga/planyourvisit.designations.htm</a></p>
<p><b>“National Recreation Area”</b> National Park Service</p>	<p>Golden Gate Santa Monica Mountains Whiskeytown</p>	<p>Twelve NRS in the system are centered on large reservoirs and emphasize water-based recreation. Five other NRAs are located near major population centers. Such urban parks combine scarce open spaces with the preservation of significant historic resources and important natural areas in location that can provide outdoor recreation for large numbers of people.   <a href="http://www.nps.gov/goga/planyourvisit.designations.htm">http://www.nps.gov/goga/planyourvisit.designations.htm</a></p>

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<p><b>“National Seashore”</b> National Park Service</p>	<p>Point Reyes</p>	<p>Ten national seashores have been established on the Atlantic, Gulf and Pacific Coasts; some are developed and some relatively primitive. Hunting is allowed at many of these sites. <a href="http://www.nps.gov/goga/planyourvisit.designations.htm">http://www.nps.gov/goga/planyourvisit.designations.htm</a></p>
<p><b>“National Lakeshore”</b> National Park Service</p>		<p>National lakeshores, all on the Great Lakes, closely parallel the seashores in character and use. <a href="http://www.nps.gov/goga/planyourvisit.designations.htm">http://www.nps.gov/goga/planyourvisit.designations.htm</a></p>
<p><b>“National River”</b> National Park Service</p>		<p>There are several variations to this category: national river and recreation area, national scenic river, wild river, etc. The first was authorized in 1964 and others were established following the passage of the Wild and Scenic Rivers Act of 1968. <a href="http://www.nps.gov/goga/planyourvisit.designations.htm">http://www.nps.gov/goga/planyourvisit.designations.htm</a></p>

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Term/Managing Agency	Examples	Definition with Reference
<p><b>“National Parkway”</b> National Park Service</p>		<p>Refers to a roadway and the parkland paralleling the roadway. All were intended for the scenic motoring along a protected corridor and often connect cultural sites. <a href="http://www.nps.gov/goga/planyourvisit.designations.htm">http://www.nps.gov/goga/planyourvisit.designations.htm</a></p>
<p><b>“National Trail”</b> National Park Service</p>	<p>California National Historic Trail Juan Bautista de Anza Old Spanish Pony Express</p>	<p>National scenic trails and national historic trails are the title given to these linear parklands (over 3,600 miles) authorized under the National Trails System Act of 1968 at Title 16, Chapter 27, § 1244.” <a href="http://www.nps.gov/goga/planyourvisit.designations.htm">http://www.nps.gov/goga/planyourvisit.designations.htm</a></p>
<p><b>“Affiliated Areas”</b> National Park Service</p>		<p>Comprise a variety of locations in the United States and Canada that preserve significant properties outside the National Park System. Some of these are recognized by Acts of Congress and others designated national historic sites. <a href="http://www.nps.gov/goga/planyourvisit.designations.htm">http://www.nps.gov/goga/planyourvisit.designations.htm</a></p>

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<p><b>“Other Designations”</b> National Park Service</p>		<p>Some bear unique titles, such as the White House and Prince William Forest Park. <a href="http://www.nps.gov/goga/planyourvisit.designations.htm">http://www.nps.gov/goga/planyourvisit.designations.htm</a></p>
<p><b>“National Marine Sanctuary”</b> NOAA</p>	<p>Monterey Bay (largest marine sanctuary) Channel Islands</p>	<p>Identifying, designating and managing ocean and Great Lake areas of special national significance as national marine sanctuaries due to their conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or aesthetic qualities. To protect and conserve their resources and to allow uses that are compatible with resource protection. National Marine Sanctuaries Act. Title 16, Chapter 32, §§ 1431 et seq.</p>
<p><b>“National Wildlife Refuge”</b> US Fish &amp; Wildlife Service</p>	<p>Colusa Guadalupe-Nipomo Dunes Lower Merced Sacramento River Seal Beach Sonny Bono Salton Sea Stone Lakes Sutter Tule Lake</p>	<p>Conservation of fish and wildlife, including species that are threatened with extinction, all lands, waters and interests therein as wildlife refuges, including wildlife ranges, game ranges, wildlife management areas or waterfowl production areas.  National Wildlife Refuge System at Title 16, Chapter 5A, § 668dd.</p>

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Term/Managing Agency	Examples	Definition with Code Reference
<p><b>“Ecological Reserve”</b> California Department of Fish and Game</p>	<p>San Joaquin River Ecological Reserve Elkhorn Slough Ecological Reserve Napa River Ecological Reserve Bolsa Chica State Ecological Reserve</p> <p>For detailed list of Ecological Reserves by DFG region, see <a href="http://www.dfg.ca.gov/lands/er/index.html">http://www.dfg.ca.gov/lands/er/index.html</a></p>	<p>Ecological preserves are established to provide protection for plants, wildlife, or aquatic organisms or specialized habitat types, both terrestrial and nonmarine aquatic, or large heterogeneous natural gene pools for the future use of mankind, especially those that are threatened or endangered. Fish &amp; Game Code, § 1580, et seq.</p>
<p><b>“Wildlife Management Area”</b> California Department of Fish and Game</p>	<p>Lower Sherman Island Wildlife Area Grizzly Island Wildlife Area Putah Creek Wildlife Area Petaluma Marsh Wildlife Area</p> <p>For detailed list of Wildlife Areas by DFG region, see <a href="http://www.dfg.ca.gov/lands/wa/index.html">http://www.dfg.ca.gov/lands/wa/index.html</a></p>	<p>Includes waterfowl management areas, deer ranges, upland game bird management areas, and public shooting grounds. Established to restore and improve fish and wildlife habitat. Fish &amp; Game Code, § 1500, et seq.</p>
<p><b>“State Reserve”</b> California Department of Parks and Recreation</p>	<p>Antelope Valley California Poppy Reserve SR Casparr Headlands SR John B. Dewitt Redwoods SR Mono Lake Tufa SR Point Lobos SR</p>	<p>Consist of areas embracing outstanding natural or scenic characteristics or areas containing outstanding cultural resources of statewide significance. Public Resources Code, §5019.65</p>

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<b>Term/Managing Agency</b>	<b>Examples</b>	<b>Definition with Code Reference</b>
<p><b>“State Park”</b> California Department of Parks and Recreation</p>	<p>Gaviota SP Emerald Bay SP Mount Tamalpais SP San Simeon SP</p>	<p>Consist of relatively spacious areas of outstanding scenic or natural character, oftentimes also containing significant historical, archaeological, ecological, geological, or other similar values. Purpose is to preserve natural, scenic and cultural values, indigenous aquatic and terrestrial fauna and flora, and the most significant examples of ecological regions of California. Public Resources Code, § 5019.53</p>
<p><b>“State Recreation Area”</b> California Department of Parks and Recreation</p>	<p>Franks Tract SRA McCormell SRA Standish-Hickey SRA Tahoe SRA Brannan Island SRA San Luis Reservoir SRA</p>	<p>Consist of areas selected, developed and operated to provide outdoor recreational opportunities and may be established in terrestrial or nonmarine aquatic environments of the state and classified as types. Public Resources Code, § 5019.56</p>
<p><b>“State Historic Park”</b> California Department of Parks and Recreation</p>	<p>Marshall Gold Discovery SHP Columbia SHP Empire Mine SHP Bodie SHP</p>	<p>Historical units consist of non-marine areas established primarily to preserve objects of historical, archaeological, and scientific interest, and archaeological sites and places commemorating important persons or historic events. Public Resources Code, § 5019.59</p>

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<b>Term/Managing Agency</b>	<b>Examples</b>	<b>Definition with Code Reference</b>
<p><b>“State Vehicular Recreation Area”</b> California Department of Parks and Recreation - Division of Off-Highway Motor Vehicle Recreation</p>	<p>Prairie City OHV Clay Pit Hollister Hills Oceana Dunes Carnegie</p>	<p>Planning, acquisition, development, conservation, and restoration of lands in the state vehicular recreation areas. Public Resources Code, § 5930.30 et seq.</p>
<p><b>“State Seashore”</b> California Department of Parks and Recreation</p>	<p>Eastshore State Park State Seashore</p>	<p>Consist of relatively spacious coastline areas with frontage on the ocean, or on bays open to ocean, including water areas landward of the mean high tide line and seasonally connected to the ocean, possessing outstanding scenic or natural character and significant recreational, historical, archaeological, or geological values. Public Resources Code, § 5019.62 Public Resources Code, § 5001.6</p>
<p><b>“State Beach”</b> California Department of Parks and Recreation</p>	<p>Half Moon Bay Pismo Pelican San Clemente Pacifica</p>	

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<b>Term/Managing Agency</b>	<b>Examples</b>	<b>Definition with Code Reference</b>
<p><b>“State Marine Reserve”</b> California Department of Fish and Game, California Department of Parks and Recreation, Fish &amp; Game Commission, or Park &amp; Recreation Commission</p>	<p>Albany Asilomar Elkhorn Slough Carmel Pinnacles Lovers Point Point Lobos Vandenberg</p>	<p>Nonterrestrial marine or estuarine area that is designated so managing agency may achieve one or more of the following: 1) Protect or restore rare, threatened, or endangered native plants, animals, or habitats in marine areas. 2) Protect or restore outstanding, representative, or imperiled marine species, communities, habitats and ecosystems. 3) Protect or restore diverse marine gene pools 4) Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding, representative, or imperiled marine habitats or ecosystems. Public Resources Code, § 36700 (a)</p>

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<b>Term/Managing Agency</b>	<b>Examples</b>	<b>Definition with Code Reference</b>
<p><b>“State Marine Park”</b> California Department of Fish and Game, California Department of Parks and Recreation, Fish &amp; Game Commission, or Park &amp; Recreation Commission</p>	<p>Doheny Laguna Beach Redwood Shores Tomales Bay</p>	<p>Nonterrestrial marine or estuarine area that is designated so the managing agency may provide opportunities for spiritual, scientific, educational, and recreational opportunities, as well as one or more of the following:  1) Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems  2) Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding representative or imperiled marine habitats or ecosystems  3) Preserve cultural objects of historical, archaeological, and scientific interest in marine areas  4) Preserve outstanding or unique geological features.  Public Resources Code, § 36700 (b)</p>

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<b>Term/Managing Agency</b>	<b>Examples</b>	<b>Definition with Code Reference</b>
<p><b>“State Marine Conservation Area”</b></p> <p>California Department of Fish and Game, California Department of Parks and Recreation, Fish &amp; Game Commission, or Park &amp; Recreation Commission</p>	<p>Ano Nuevo Cambria Carmel Bay Elkhorn Slough Point Lobos Point Sur White Rock (Cambria)</p>	<p>Nonterrestrial marine or estuarine area that is designated so the management agency may achieve one or more of the following:</p> <ol style="list-style-type: none"> <li>1) Protect or restore rare, threatened or endangered native plants, animals or habitats in marine areas</li> <li>2) Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems</li> <li>3) Protect or restore diverse marine gene pools</li> <li>4) Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding, representative, or imperiled marine habitats or ecosystems.</li> <li>5) Preserve outstanding or unique geological features</li> <li>6) Provide for sustainable living marine resource harvest.</li> </ol> <p>Public Resources Code, § 36700 (c)</p>
<p><b>“State Marine Cultural Preservation Area”</b></p> <p>California Department of Parks and Recreation, Park &amp; Recreation Commission</p>		<p>Nonterrestrial marine or estuarine area designated so the managing agency may preserve cultural objects or sites of historical, archaeological, or scientific interest in marine areas.</p> <p>Public Resources Code, §36700 (d)</p>

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<p><b>“State Marine Recreational Management Area”</b> California Department of Parks and Recreation, Park &amp; Recreation Commission</p>	<p>Morro Bay</p>	<p>A state marine recreational management area is a nonterrestrial marine or estuarine area designated so the managing agency may provide, limit, or restrict recreational opportunities to meet other than exclusively local needs while preserving basic resource values for present and future generations. Public Resources Code, § 36700 (e)</p>
<p><b>“State Water Quality Protection Area - Area of Special Biological Significance”</b> State Water Resources Control Board</p>	<p>Bodega Marine Life Refuge Saunders Reef Kelp Beds James V. Fitzgerald Marine Reserve  See pamphlet at: <a href="http://www.swrcb.ca.gov/plnspols/docs/asbs_info/asbs_swqpa_publication03.doc">http://www.swrcb.ca.gov/plnspols/docs/asbs_info/asbs_swqpa_publication03.doc</a></p>	<p>Nonterrestrial marine or estuarine area designated to protect marine species or biological communities from an undesirable alteration in natural water quality, including, but not limited to, areas of special biological significance that have been designated by SWRCB through its water quality control planning process. Public Resources Code, § 36700 (f)</p>

PRC § 5001.95 states that no state park system unit, other than a state wilderness, a natural preserve, or a cultural preserve, shall be located within the boundaries of another state park system unit.

PRC § 5019.80 states that the Marine Managed Areas Improvement Act establishes a uniform classification system for state marine managed areas.