

1 **Appendix B. Early Action Review** 2 **Processes and Plan or Project Review** 3 **Application**

4 **B.1 Early Action Review Processes**

5 Possible early actions should be considered under the framework of the adopted Interim Plan.

6 Priority for consideration should be given to early actions identified in SBX7 1 Part 2. "Early Actions" in
7 Water Code sections 85080 through 85087 could be considered in September 2010.

8 Other possible early actions, including those recommended through public comments, should be
9 screened against the legislative history criteria of urgency stated above. Those satisfying this screen
10 could be considered in October and November 2010. Proposals received after November 1, 2010, may
11 not be considered as "early actions." Additional early actions will be considered throughout the period
12 of the Delta Plan preparation, at the discretion of the Council.

13 The Council should establish a two-member "early actions" committee to review identified possible
14 early actions and make recommendations to the full Council (under Wat. Code § 85210(k)).

15 The Council committee should review possible early actions as identified and on the schedule in its work
16 plan.

17 The early actions committee should consider possible early actions in public meetings, and should
18 develop an agenda with designated time limits to ensure completing the reviews in the time allotted.

19 To promote efficient review of potential early actions, project proponents are strongly encouraged to
20 complete the "Plan or project review application" (adopted by the council August 2010) and submit it to
21 the council staff no less than thirty days (30) days before the committee meeting at which the item is
22 scheduled, except that potential early actions scheduled for consideration in September 2010 may
23 submit these materials no less twenty (20) days before the committee meeting at which the item is
24 scheduled . If an application is deemed incomplete, the item will be removed from the agenda and may
25 be rescheduled at the discretion of the council committee.

26 To promote efficient review of potential early actions, project proponents are strongly encouraged to
27 submit materials electronically and also to deliver ten (10) hard copies to the Council offices.
28 Applications and related materials will be posted to the Council website.

29 Public comments on the application will be invited, with a deadline of ten (10) days before the
30 scheduled committee hearing, and those comments will be posted to the Council website.

31 Each application would be reviewed by Council staff or consultants, and a brief cover memo prepared
32 identifying issues of particular relevance.

33 Each application should be reviewed by the Delta Science Program staff to identify the adequacy of
34 scientific information available to support a committee recommendation and Council action using the
35 standard of "best available science" required in statute and specified in the Interim Plan. If they judge
36 the available scientific information inadequate, they may make a recommendation for any needed

1 additional scientific information. The committee would consider the Delta Science Program staff
2 comments in making its recommendation to the full Council.

3 The committee could make one of the following recommendations on possible early actions, conveying
4 its recommendation to the full Council in a brief report:

5 **No action at this time** (because _____)

6 **Additional information is needed** (and the item is rescheduled for _____, possibly not as an “early
7 action”)

8 **Recommend the Council provide a positive recommendation (citing policy objectives advanced
9 _____)**

10 **Recommend the Council provide a negative recommendation (citing policy objectives harmed or in
11 conflict _____)**

12 **Recommend modifications to proposal as follows (_____)**

13 **Refer for consideration under the Delta Plan (_____)**

14

B.2. Application Form for Consideration of a Plan or Project

The Delta Reform Act creates the Delta Stewardship Council (Council) as an independent agency of the state (Wat. Code §85200). SBX7 1 (effective February 3, 2010) gives the Council several responsibilities, many linked to a comprehensive “Delta Plan,” which the Council is charged to develop, adopt, and commence implementation of by January 1, 2012. The Council is also charged with developing an Interim Plan “...that includes recommendations for early actions, projects, and programs” (Wat. Code § 85084). The Council has set August 27, 2010, as the date for adoption of the Interim Plan. The Council uses the framework established in the Interim Plan to make recommendations based on its responsibilities under SBX7 1. After the Delta Plan is adopted, the Council decisions will become determinative.

1. Applicant Information

Request: Consideration as an early action: _____

Consultation re plan: _____

Consultation re: possible covered action: _____

Other (please specify): _____

Applicant Name:

Legal status (city, special district, firm, individual, etc.): _____

Address of applicant:

Contact information: Name of responsible individual:

Role (officer, attorney, etc.): _____

Address: _____

Email: _____

Telephone: _____

1 **Legally Responsible Entity Name (if different than Applicant):**

2 _____

3 Legal status (city, special district, firm, individual, etc.): _____

4 Address of applicant:

5 _____

6 Contact information: Name of responsible individual:

7 _____

8 Role (officer, attorney, etc.): _____

9 Address: _____

10 Email: _____

11 Telephone: _____

12 **Plan or project purpose narrative, including legal authority. If an action is “urgent,” provide the**
13 **rationale for urgency.**

14 _____
15 _____
16 _____
17 _____
18 _____

19 **Plan or project physical location and description (include geo-referencing latitude and longitude for**
20 **projects):**

21 _____
22 _____

23

24 **2. Plan or Project Review by Public Agencies**

25 **Local Government Discretionary Approval(s):**

26 Yes _____ No ____ If yes, describe: _____

27 **Delta Protection Commission Consistency Approval(s):**

28 Yes _____ No ____ If yes, describe: _____

29 **Bay Conservation and Development Commission Permit:**

30 Yes _____ No ____ If yes, describe: _____

31 **State Lands Commission:**

32 Yes _____ No ____

1 **CalTrans:**

2 Yes _____ No _____

3 **State Water Resources Control Board Permit:**

4 Yes _____ No _____

5 **Regional Water Quality Control Board:**

6 Yes _____ No _____ Regional Board Number: _____

7 **California Dept. of Toxic Substances Control:**

8 Yes _____ No _____

9 **California Department of Fish and Game Streambed Alteration Permit:**

10 Yes _____ No _____

11 **DF&G Take Authorization:**

12 Yes _____ No _____

13 **Other DF&G Permit:**

14 Yes _____ No _____

15 **U.S. Army Corps of Engineers:**

16 Yes _____ No _____ Public Notice Number: _____

17 **U.S. Fish and Wildlife Service: Take Authorization**

18 Yes _____ No _____

19 **Biological Opinion:**

20 Yes _____ No _____

21 **NOAA Fisheries Service: Take Authorization**

22 Yes _____ No _____

23 **Biological Opinion**

24 Yes _____ No _____

25 **U.S. Coast Guard:**

1 Yes _____ No _____

2 **Federal Funding:**

3 Yes _____ No _____

4 **Describe any history of consideration by any other governmental agency and provide documentation**
5 **of any actions taken.**

6 _____
7 _____

8

9 **3. Environmental Impact Documentation (must be completed**
10 **by all applicants)**

11 **a.** Is the project statutorily or categorically exempt from the need to prepare any environmental
12 documentation?

13 Yes _____ No _____

14 If “Yes,” please attach a statement that identifies and supports this statutory or categorical exemption.

15 **b.** Has a government agency other than the Council, serving as the lead agency, adopted a negative
16 declaration or certified an environmental impact report or environmental impact statement on the
17 project?

18 Yes _____ No _____

19 If “Yes,” attach a copy of the document. If the environmental impact report or statement is longer than
20 ten pages, also provide a summary of up to ten pages. If “No,” provide sufficient information to allow
21 the Council to make the necessary findings regarding all applicable policies. The certified document
22 must be submitted prior to action on the application.

23 **4. Assessment against Delta Reform Act Policy Objectives**

24 Assess the proposed plan or project against the eight policy objectives listed below which “the
25 legislature declares are inherent in the coequal goals for management of the Delta” (WC Section 85020).
26 Provide a brief summary for the rationale for each assessment and reference to any supporting
27 documentation (include URL links as appropriate).

28 **(a) Manage the Delta’s water and environmental resources and the water resources of the state**
29 **over the long term.**

30 Positive _____ Negative _____ Neutral _____ Unknown _____ Not Applicable _____

31 Rationale, magnitude of effect (if positive or negative) and documentation:

32 _____
33 _____

1 **(b) Protect and enhance the unique cultural, recreational, and agricultural values of the California**
2 **Delta as an evolving place.**

3 Positive _____ Negative _____ Neutral _____ Unknown _____ Not Applicable
4 _____

5 Rationale, magnitude of effect (if positive or negative) and documentation:
6 _____
7 _____

8 **(c) Restore the Delta ecosystem, including its fisheries and wildlife, as the heart of a healthy**
9 **estuary and wetland ecosystem.**

10 Positive _____ Negative _____ Neutral _____ Unknown _____ Not Applicable
11 _____ Rationale, magnitude of effect (if positive or negative) and documentation:
12 _____
13 _____

14 **(d) Promote statewide water conservation, water use efficiency, and sustainable water use.**

15 Positive _____ Negative _____ Neutral _____ Unknown _____ Not Applicable
16 _____ Rationale, magnitude of effect (if positive or negative) and documentation:
17 _____
18 _____

19 **(e) Improve water quality to protect human health and the environment consistent with**
20 **achieving water quality objectives in the Delta.**

21 Positive _____ Negative _____ Neutral _____ Unknown _____ Not Applicable
22 _____ Rationale, magnitude of effect (if positive or negative) and documentation:
23 _____
24 _____

25 **(f) Improve the water conveyance system and expand statewide water storage.**

26 Positive _____ Negative _____ Neutral _____ Unknown _____ Not Applicable
27 _____ Rationale, magnitude of effect (if positive or negative) and documentation:
28 _____
29 _____

30 **(g) Reduce risks to people, property, and state interests in the Delta by effective emergency**
31 **preparedness, appropriate land uses, and investments in flood protection.**

32 Positive _____ Negative _____ Neutral _____ Unknown _____ Not Applicable
33 _____

34 Rationale, magnitude of effect (if positive or negative) and documentation:
35 _____
36 _____

37 **(h) Establish a new governance structure with the authority, responsibility, accountability,**
38 **scientific support, and adequate and secure funding to achieve these objectives.**

1 Positive _____ Negative _____ Neutral _____ Unknown _____ Not Applicable
2 _____ Rationale, magnitude of effect (if positive or negative) and documentation:
3 _____
4 _____

5
6 **5. Assessment of Administration and Implementation**
7 **Processes**

8 **Cost of Project/Plan:** Please provide your best estimate of the total cost of the project or plan you are
9 proposing. If this is a Plan, please provide an estimate of the annual operational or enforcement costs
10 projected for the activity. Please list all sources used for developing the cost estimates

11 _____
12 _____

13 **Financing (provide information on public and private sources of funding, including funds on hand or**
14 **legally pledged or obligated and the sources of those funds):**

15 _____
16 _____

17 **Identify any public agencies (federal, state and local) whose actions or decisions are essential for the**
18 **proposed action to succeed. Provide evidence of their approval and support of the proposed action:**

19 _____
20 _____

21 **If real property must be acquired or use altered for the success of the proposed action, identify the**
22 **owners of that property and information on how ownership or use change will occur:**

23 _____
24 _____

25 **Provide a time line for the proposed plan or project, including major milestones through completion:**

26 _____
27 _____

28 **Describe how success or failure of the plan or project will be determined, including measures**
29 **proposed, time frame and public agency responsible for judging success:**

30 _____
31 _____

32 **Describe the major benefits that can result from the proposed plan or project, including identification**
33 **of beneficiaries and any information on the magnitude and timing of benefits received:**

34 _____
35 _____

36 **If the proposed plan or project fails, what is done? What additional costs could be incurred and how**
37 **will they be financed? Identify any lasting effects or changed options for future policy making:**

38 _____
39 _____

