Appendix B. Early Action Review Processes and Plan or Project Review Application

B.1 Early Action Review Processes

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

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

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

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

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

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

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

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

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

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

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

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

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

No action at this time (because _____)

Additional information is needed (and the item is rescheduled for _____ , possibly not as an "early action")

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

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

Recommend modifications to proposal as follows (_____)

Refer for consideration under the Delta Plan (_____)

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: Clarksburg Levee Improvement Feasibility Study

Consultation re plan: _____

Consultation re: possible covered action: _____

Other (please specify): _____

Applicant Name:
Yolo County

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

Address of applicant:
625 Court Street, Room 202, Woodland, CA 95695

Contact information: Name of responsible individual:
Petrea Marchand

Role (officer, attorney, etc.): Manager of Intergovernmental Affairs

Address: 625 Court Street, Room 202, Woodland, CA 95695

Email: petrea.marchand@yolocounty.org

Telephone: 530-666-8128

Legally Responsible Entity Name (if different than Applicant):

_____

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

Address of applicant:

_____

Contact information: Name of responsible individual:

_____

Role (officer, attorney, etc.): _____

Address: _____

Email: _____

Telephone: _____

Plan or project purpose narrative, including legal authority. If an action is "urgent," provide the rationale for urgency.

Support requests for state and federal funding for the Clarksburg Levee Improvement Feasibility Study. The study will evaluate alternatives to provide a 100-year level of flood protection to the small Delta legacy community of Clarksburg. The Federal Emergency Management Agency de-certified Clarksburg's levees on June 18th, 2010. Infrastructure improvements, home remodels, construction of agricultural processing facilities and other structures must now comply with floodplain regulations, including raising structures above the base flood elevation. Yolo County and RD 999 are co-sponsors of this project.

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

Clarksburg, Yolo County

2. Plan or Project Review by Public Agencies

Local Government Discretionary Approval(s):

Yes _____ No X If yes, describe: _____

Delta Protection Commission Consistency Approval(s):

Yes _____ No X If yes, describe: _____

Bay Conservation and Development Commission Permit:

Yes _____ No X If yes, describe: _____

State Lands Commission:

Yes _____ No X

CalTrans:

Yes _____ No X

State Water Resources Control Board Permit:

Yes _____ No X

Regional Water Quality Control Board:

Yes _____ No X Regional Board Number: _____

California Dept. of Toxic Substances Control:

Yes _____ No X

California Department of Fish and Game Streambed Alteration Permit:

Yes _____ No X

DF&G Take Authorization:

Yes _____ No X

Other DF&G Permit:

Yes _____ No X

U.S. Army Corps of Engineers:

Yes _____ No X Public Notice Number: _____

U.S. Fish and Wildlife Service: Take Authorization

Yes _____ No X

Biological Opinion:

Yes _____ No X

NOAA Fisheries Service: Take Authorization

Yes _____ No X

Biological Opinion

Yes _____ No X

U.S. Coast Guard:

Yes _____ No X

Federal Funding:

Yes X _____ No ____

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

Yolo County submitted the Clarksburg Levee Improvement Feasibility to congressional representatives in 2010 for consideration in the pending Water Resources Development Act.

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

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

Yes X _____ No _____

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

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

Yes _____ No X _____

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

4. Assessment against Delta Reform Act Policy Objectives

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

(a) Manage the Delta's water and environmental resources and the water resources of the state over the long term.

Positive _____ Negative _____ Neutral X _____ Unknown _____ Not Applicable ____

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

_____

_____

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

Positive X Negative _____ Neutral _____ Unknown _____ Not Applicable _____

Rationale, magnitude of effect (if positive or negative) and documentation:
Providing a 100-year level of flood protection for the town of Clarksburg will protect the historic and cultural resources of this Delta legacy town, plus potentially provide flood protection from some agricultural economic development activities.

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

Positive _____ Negative _____ Neutral X Unknown _____ Not Applicable

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

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

Positive _____ Negative _____ Neutral X Unknown _____ Not Applicable

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

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

Positive _____ Negative _____ Neutral X Unknown _____ Not Applicable

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

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

Positive _____ Negative _____ Neutral X Unknown_____ Not Applicable

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

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

Positive X Negative _____ Neutral _____ Unknown _____ Not Applicable _____

Rationale, magnitude of effect (if positive or negative) and documentation:
If the feasibility study results in a project to provide Clarksburg with a 100-year level of flood protection, it will reduce risks to people and property in Clarksburg.

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

Positive _____ Negative _____ Neutral X_____ Unknown _____ Not Applicable

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

5. Assessment of Administration and Implementation Processes

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

Unknown.

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

Federal and state funding with a local match. Funding would be split according to traditional cost shares between the U.S. Army Corps of Engineers, the Central Valley Flood Protection Board, Yolo County, and RD 999.

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

U.S. Army Corps of Engineers, Central Valley Flood Protection Board, RD 999. RD 999 voted to co-sponsor this project at their July Board meeting.

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

N/A

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

Secure funding and complete the feasibility study in 2011.

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

Success is defined as achieving a 100-year level of flood protection for Clarksburg.

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

Reduced risk of flooding to the Clarksburg community and reduced costs and burdens associated with floodplain regulation.

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

If Clarksburg's levees aren't improved, Clarksburg is at an increased risk of flooding from levee failure. Costs for emergency response and flood damage are born by the state and federal government.

6. Scientific justification (to address requirement for Council use of best available science, Water Code section 85302(g)):

Attach description of scientific justification for the proposed plan or project and provide any pertinent documents. Address the criteria identified in Section 3 when preparing the scientific justification. Provide complete list of all scientific references cited.

7. Applicant certifications and authorizations

I certify that all of the information submitted is complete and accurate to the best of my knowledge and that all attached exhibits are full, complete and correct. I certify that I understand that omitted or insufficient information can delay consideration of this application. I certify that this application is not complete until accepted by the Council at a regularly scheduled meeting. I authorize the Council, its staff or other authorized personnel to share this information publicly and authorize their collection of additional information relevant to this application.

Petrea R. Marchand 10-5-10

Signature of applicant or applicant's representative Date

Printed name: Petrea R. Marchand Title: Manager of Intergovernmental Affairs