



CUTTING GREEN TAPE
REGULATORY EFFICIENCIES
FOR A RESILIENT ENVIRONMENT
November 2020

November 20, 2020

Californians cherish our natural environment. Our lands and waters inspire us, provide for our recreation, and sustain one of the richest variety of plants and animals on earth. As our state has grown, we have demonstrated a great capacity to preserve and restore these natural places.

Today, we find ourselves with a unique opportunity to improve how we steward our environment to meet the needs of both people and nature. We face major challenges including climate change, biodiversity loss, and inequity that demand we move faster and more effectively to conserve our natural environment. Leaders across the state understand this and are coming together to tackle these challenges in new and innovative ways.

Our “Cutting Green Tape” initiative aims to make it easier and more cost effective to deliver good projects that improve our environment. Over the last year, the California Landscape Stewardship Network brought a broad range of groups and leaders together to advance this priority. I’m thankful for all of the creativity, collaboration, and hard work that went into this process and am proud that state agencies played a central role in these discussions.

I am very excited to support the release of Cutting Green Tape: Regulatory Efficiencies for a Resilient Environment as a next step to these efforts. This report proposes concrete, pragmatic improvements to delivering environmental restoration projects. These recommendations build upon good progress that our state agencies have already made to help deliver these projects more quickly and cost effectively.

Together, we are taking important steps to meet the pace and scale of today’s environmental challenges. I look forward to forging ahead on this critical journey with you all.

Onward!



Wade Crowfoot
California Secretary for Natural Resources



ACKNOWLEDGMENTS

This report is the product of the insights and experiences of more than 150 people who gathered at a series of roundtable workshops and others to whom the authors reached out from fall 2019 to fall 2020. A list of roundtable participants can be found in Appendix 2 at the end of this document.

This collaborative process was led by the California Landscape Stewardship Network (CLSN) at the request of the California Natural Resources Agency.

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Our Opportunity to Thrive

California is a remarkable place. Our state encompasses more than 100 million acres of diverse landscapes, thousands of rivers, and 1,100 miles of coastline. It is home to more species of plants and animals than any other state in the continental U.S. Its thousands of unique species, many found nowhere else on Earth, make it one of our planet's biodiversity hotspots. At the same time, California's 40 million residents are also among the world's most diverse.

Together, California's vibrant human and natural communities have created the fifth largest economy in the world. The state's plants and animals make up the complex ecosystems and agricultural systems upon which people in California and beyond depend. This biodiversity sustains our health, economy, cultures, and way of life.

Unfortunately, many of California's natural systems have been damaged or destroyed. The Central California Coast alone has suffered a 92% loss of its tidal wetlands, including ecologically priceless estuaries. An estimated 7 million acres of vernal pools existed at the time of Spanish contact; less than 13% remain today.

Climate change and habitat loss are also threatening our biological diversity and driving catastrophic wildfires, historic drought, flooding, extreme heat, coastal erosion, and sea level rise. Not surprisingly, the same forces that threaten plant and animal species also threaten human lives and livelihoods.

California's remarkably diverse natural and human communities are inexorably connected and face many of the same challenges. Community-supported efforts like this native seed farm provide essential support for restoration projects across the state.



A RESILIENT CALIFORNIA FOR ALL

To ensure ecosystem resilience—the ability to recover from catastrophic events and respond to changing climatic conditions—we need large-scale restoration to reestablish and rebuild altered natural systems. However, current regulatory processes are too slow, costly, and burdensome to effectively respond to these challenges. Sometimes, fully one-third of public funding for a restoration project goes to planning and permitting, and a project that only takes weeks to implement can take years to permit.

We need to build resilience by creating wildlife corridors and refugia, reconnecting watersheds to the ocean and rivers to floodplains, removing invasive species and replanting natives, replenishing soils, restoring wetlands, and more. The state is prioritizing restoration projects that do all of these things, while also promoting multiple benefits such as flood control, wildlife habitat, and water supply. There is a lot of work to do, but we are up to the task.

California's leaders are passionate about our state's future. As Governor Gavin Newsom explains, "We're here with purpose and intention to build on California's legacy on open space, to build on California's legacy for environmental stewardship, to build on California's leadership as it relates to biodiversity and conservation." To this end, on October 7, 2020 he issued Executive Order N-82-20 in which he calls for increasing the pace and scale of environmental restoration and land management efforts by streamlining the State's process to approve and facilitate these projects.

Let's get in and roll up our sleeves.

Redwood Rising partners are working to remove old logging roads and restore forest ecosystems. Large-scale forest management projects such as this are essential to create a more resilient California.



The Cutting Green Tape Initiative

What is Cutting Green Tape?

The State of California has identified “Cutting Green Tape” as a signature initiative to increase the pace and scale of environmental restoration. California has a proud tradition of strong laws that protect our environment from the effects of development and resource extraction. Unfortunately, projects that are beneficial to the environment can be slowed by the same processes and procedures that are designed to protect it. Cutting Green Tape seeks to remedy this problem.

Complex and overlapping permitting processes can result in fewer and smaller actions being taken at a slower pace and a greater expense. Much like the familiar term, “red tape,” “green tape” represents the extra time, money, and effort required to get environmentally beneficial work done because of inefficiencies in our current systems. Cutting Green Tape means improving regulatory processes and policies so that this work can occur more quickly, simply, and cost-effectively.

Restoration crews construct new channels to expand and connect the Upper Truckee Marsh as a part of their landscape-scale restoration efforts. Cutting Green Tape supports solutions to some of the biggest challenges to doing restoration and stewardship work at scale across the state—starting with increasing regulatory efficiencies.



Cutting Green Tape seeks to address a wide range of challenges to large- and small-scale restoration. Our goal is to ensure that more of our limited resources go directly into protecting and stewarding the natural resources we care so deeply about. This report makes recommendations to address one critical aspect of Cutting Green Tape: regulatory policies and processes. We hope future phases of Cutting Green Tape will include other kinds of innovative solutions to increase cross-boundary stewardship for landscape-scale results, including data sharing and access, funding efficiencies, and cross-jurisdictional collaboration.

Though anchored in the California Natural Resources Agency (CNRA), Cutting Green Tape is an interagency effort supported by Jared Blumenfeld, Secretary for Environmental Protection; Karen Ross, Secretary of the California Department of Food and Agriculture; and Joaquin Esquivel, Chair of the State Water Resources Control Board.

Why Start with Regulatory Efficiency?

Cutting Green Tape builds on real progress made in recent years to improve the approval process for environmental restoration projects. This includes the seminal work of the task force that developed [Removing Barriers to Restoration; Report of the Task Force to the Secretary for Resources](#) in 2002. This report catalyzed legislative and policy solutions, programmatic approaches to permitting, and efforts that built collaboration and trust.

These advances were reviewed in [Shifting the Regulatory Paradigm Toward Bold Immediate Action for a Resilient California](#), a 2019 white paper published by the California Landscape Stewardship Network (CLSN). Among the efforts discussed in that paper are:

- Section 15333, which was added to the California Environmental Quality Act (CEQA) to create the Categorical Exemption for Small Habitat Restoration Projects;
- Voluntary Local Programs, an amendment to the California Fish and Game Code, which incentivizes farmers and ranchers to follow wildlife-friendly practices by providing an exemption to some prohibitions in the California Endangered Species Act;

- General 401 Water Quality Certification Order for Small Habitat Restoration Projects (SHRP), which was issued by the State Water Resources Control Board to simplify approvals under the Clean Water Act for small habitat restoration projects;
- Habitat Restoration Enhancement Act (HREA), which created a suite of efficiencies related to restoration project permitting through the California Department of Fish and Wildlife (CDFW); and
- interagency collaborations, including the Central Coast Integrated Watershed Restoration Program, the Bay Restoration Regulatory Integration Team, and more.

Building on this momentum, Cutting Green Tape aims to catalyze new solutions to protect and sustain our natural resources by fostering change within existing systems and practices. Broadly, it seeks to:

- create efficiencies in permitting and regulatory compliance for environmentally beneficial projects;
- maintain commitments to California's environmental regulatory safeguards; and
- allow state agencies to maintain fidelity to statutory requirements while more easily permitting efforts to build resilience.

The Cutting Green Tape Approach to Improving Regulatory Efficiency

During the winter and early spring of 2020, under the umbrella of Cutting Green Tape, CLSN designed and hosted three progressive, action-oriented visioning roundtables and conducted dozens of individual interviews to elicit ideas and strategies for increasing the pace and scale of habitat restoration. The overall process engaged more than 150 leaders across the state from environmental conservation and other NGOs; large landowner groups; public and private land managers; local, state, and federal government agencies; tribes; water utilities; working lands; and businesses.

These stakeholders identified a series of potential actions that are the basis of the recommendations in this report. The recommendations are at intentionally different scales—some calling for incremental improvements and others for broader system changes, some that could be implemented right away and others that require additional groundwork—with a range of potential implementing entities. However, they all specifically focus on reducing regulatory and process barriers to environmental stewardship. Individually and collectively, their implementation will increase the pace, scale, and quality of natural resource stewardship for a more resilient California.



Roundtables held in 2019 and 2020 brought together the ideas and inspiration of people from across California to create the recommendations in this report.



RECOMMENDATIONS

The fourteen recommendations presented here capture the critical thinking, experience, and insights of the more than 150 people who participated. They offer opportunities to improve the way we work together to address systems at different scales through shifts in statutes, the interpretation of existing regulations, evolving institutional cultures, or in how current programs are managed. For a full list of proposed recommendations, see Appendix 1.

We share these ideas with full recognition that regulatory agency staff have a challenging and essential role in protecting California's natural resources, including some of its most sensitive and imperiled species and habitats. They, and the regulations they are entrusted with enforcing, have helped ensure that we still have the ecological riches that remain. Rather than weaken or diminish existing environmental protections, the recommendations here are meant to empower regulatory agencies and practitioners to do their work more efficiently and effectively.

The most frequent recommendation that came up across all stakeholder groups as essential in setting the stage for success was the need for effective intra- and interagency coordination to develop, fund, and permit projects. Fortunately, there are a number of groups working on this very issue, ranging from very informal to more established and well-funded efforts. Some address a region, a particular restoration priority, or a specific regulatory pathway or project type, while others are largely focused on education. We can look to these existing efforts as models for charting our own path forward.

Whether or not the recommendations in this report can be implemented successfully will depend upon our success in finding a common purpose and support at all levels of state government as well as diverse allies and champions within agencies, practitioners, and environmental advocacy groups alike.

Instream creek and floodplain restoration has been critical to protect sensitive fisheries habitats across the state.





EFFICIENCIES FOR SMALL-SCALE PROJECTS

Published in 2002, [Removing Barriers to Restoration: Report of the Task Force to the Secretary for Resources](#) catalyzed a significant shift in how we think about, collaborate on, and regulate environmental restoration and enhancement projects at both the state and federal levels. In the years since, implementation of some of the report's recommendations has provided proof of concept and sparked a broader movement toward regulatory streamlining.

This has been especially apparent in changes to how small-scale habitat restoration projects are treated. Regulatory efficiencies for this kind of work now include the Habitat Restoration Enhancement Act (HREA), the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (SHRP), and a categorical exemption in the California Environmental Quality Act (CEQA). Combined, these three policies have made permitting small projects substantially easier, decreased practitioner costs, reduced staff time required to process permits, and enabled more projects to get done faster.

Today, we can look back on how these supportive policies have played out on the ground. We can see how they have been essential in enabling important ecological work to happen. And, we can consider how we might continue to ensure that they are working as they were intended. The following section offers five recommendations that include key observations about challenges in applying these policies within a real-world restoration context, as well as ways to address these challenges that allow both practitioners and resource agencies to continue to meet their critical ecological protection and stewardship missions.

Many small-scale projects involve replanting native species to enhance biodiversity and restore habitats. Building on past improvements to continue to alleviate challenges to how small-scale projects are permitted will support more of this kind of work, and at lower cost, in the future.





EFFICIENCIES FOR SMALL-SCALE PROJECTS

Recommendation 1: Clarify the eligibility of projects that qualify for the CEQA Class 33 categorical exemption.

Challenge and Approach

Certain types of projects that are not expected to have significant environmental impacts are categorically exempted from environmental review under CEQA. These exemptions are identified by the CNRA and defined in the CEQA Guidelines (Sections 15300–15333). The 2004 CEQA Class 33 categorical exemption (aka Section 15333) offered an ambitious and visionary approach to reducing regulatory barriers by exempting small habitat restoration projects designed “to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife.” While this seminal effort provided proof of concept and significant momentum for developing regulatory efficiencies, differing interpretations of two of its clauses have resulted in its underutilization.

A key intent of this exemption is to support projects to restore threatened and endangered species habitats, which naturally requires working where listed species may be present. However, the first clause, 15333(a), requires “no significant adverse impact on endangered, rare or threatened species or their habitat” for a project to be eligible for the exemption. Although CEQA guidelines define thresholds for what constitutes a “significant impact,” clause 15333(a) is nonetheless often interpreted as meaning that a project is not eligible if there may be any impact, even a temporary or insignificant one. It is sometimes even interpreted to mean that a project is not eligible if these species or their habitats are known simply to exist near the project site.

The second clause, 15333(d), provides examples of small restoration projects that “may include, but are not limited to” a list that includes “projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment.” (emphasis added). However, this clause is often interpreted to preclude projects that use mechanized equipment, even when the project meets the criteria for the exemption. Practitioners want to use the best technology for safe and effective habitat restoration, and that sometimes requires machinery. For example, culvert upgrades—which are a specifically approved activity in the exemption—cannot be done principally with hand labor.

Proposed Solution

The Secretary for Natural Resources issues an advisory clarifying that the CEQA Class 33 exemption applies to projects in endangered species habitat and to projects that use mechanized equipment.

Other Considerations and Notes

Legislative action to help ensure the desired outcome was considered; however, clarifying rather than modifying the exemption offers a lower-cost, lower-effort, more immediate way to make this important change. Furthermore, it was the desire of many stakeholders to advance an approach that becomes integrated into an evolving CEQA permitting process and culture. Creating a statutory exemption for all restoration projects, with a specific focus on larger upland projects that have small impacts, was also recommended by some stakeholders as a potential action.



EFFICIENCIES FOR SMALL-SCALE PROJECTS

Recommendation 2: Change the CEQA Class 33 categorical exemption eligibility to include larger terrestrial and upland restoration projects.

Challenge and Approach

Class 33 categorical exemptions to CEQA (see Recommendation 1) limit eligibility to projects of no more than 5 acres without differentiating between aquatic or wetland habitats and terrestrial, upland ones. However, practitioners identified a pressing need to increase the maximum acreage, particularly for upland work.

The reasoning behind the suggested increase is that impacts to regulated resources are less likely in these habitats than in aquatic areas. Also, the kinds of projects done in upland areas, such as invasive species control, native plant and habitat restoration, prescribed fires, and hillside or watershed erosion control are often at a larger scale. Indeed, there are tremendous ecological and economic benefits to working at a larger scale when doing this kind of work. Increasing the limit on Class 33 exemption to up to 50 acres for upland activities would allow practitioners to take advantage of these benefits and would also enable a significant increase in the number of eligible grassland, chaparral, and woodland restoration activities.

Proposed Solution

Modify CEQA Section 15333 to increase the acreage eligibility cap for terrestrial upland restoration activities.

Other Considerations and Notes

Roundtable participants and other experts discussed tradeoffs between the uncertainty inherent in legislative action and how modifications to statute may, at times, be the best or only way to create enduring change.

While an increase in the acreage eligibility cap for aquatic projects was considered, at this time the recommendation is focused on upland habitats because they frequently need to be larger to be effective. A cap of 50 acres was considered reasonable for upland restoration projects based on conversations with a range of experts including agency staff, restoration practitioners, and scientists.



EFFICIENCIES FOR SMALL-SCALE PROJECTS

Recommendation 3: Amend the 401 General Water Quality Certification Order for Small Habitat Restoration Projects (SHRP) to (a) be consistent with Class 33 CEQA size limits and (b) include “Waters of the State.”

Challenge and Approach

Section 401 of the federal Clean Water Act grants California the right to ensure the protection of its waters when a federal permit is issued for a project. The State Water Resources Control Board (SWRCB) delegates Section 401 responsibility to Regional Water Quality Control Boards through a certification process. In 2007, SWRCB issued a General 401 Water Quality Certification Order for SHRP, creating a simplified certification process for projects that meet the conditions of CEQA Class 33 categorical exemptions (see Recommendations 1 and 2).

This pivotal effort provided further proof of concept for more efficient permitting of environmentally beneficial projects. However, the certification limited eligibility to stream projects of less than 500 feet in length. Extensive discussions with Cutting Green Tape roundtable participants and other experts revealed that this limitation is too restrictive to achieve intended ecological benefits. It also incentivizes smaller projects and actively disincentivizes larger ones that offer the opportunity for greater environmental benefits and cost savings.

Moreover, CEQA, HREA, and SHRP eligibility criteria are interconnected. HREA and SHRP specifically incorporate CEQA Class 33. Therefore, updating SHRP to remove its current 500-foot limit would ensure vetted CEQA Class 33 categorical exemption project size requirements (5-acre maximum) and result in a consistent project size criterion across the three policies.

As part of the update, SWRCB could also expand the SHRP to include “Waters of the State,” incorporating SWRCB’s authority under the Porter Cologne Water Quality Control Act. This would enable projects outside of federal jurisdictional waters to also take advantage of the benefits that this recommended update provides.

Proposed Solution

SWRCB removes the 500-foot linear limit and includes “Waters of the State” in its upcoming SHRP renewal (originally planned for 2020).

Other Considerations and Notes

Cutting Green Tape stakeholders also considered using the 1,000-foot dewatering length limit in the National Oceanic and Atmospheric Administration (NOAA) Programmatic Biological Opinion. However, that would not achieve consistency across the three policies, nor unify state regulatory standards and unlink them from federal definitions that are set and managed elsewhere. Similarly, the recommended shift to include “Waters of the State” decouples this regulation from any changes in the definition of federal waters and keeps it consistent within California.



EFFICIENCIES FOR SMALL-SCALE PROJECTS

Recommendation 4: Explicitly include incidental take of fully protected species during the HREA renewal in 2021.

Challenge and Approach

The 2014 HREA (AB 2193), set to sunset in 2021 unless renewed, expressed the intent of the California Legislature “to provide for substantial permitting efficiency” to increase implementation of small-scale habitat restoration projects. The act recognized that “demand for these environmentally beneficial projects far outpaces the regulatory approval process. As a result, hundreds of small-scale projects designed to benefit California’s most vulnerable species and natural habitats are not being implemented.”

The act also amended the Fish and Game Code to create a suite of efficiencies related to permitting restoration projects “in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to...” a list of sections of the code, including the California Endangered Species Act (CESA). The list neither includes nor excludes sections of Fish and Game Code (3511, 4700, 5050, and 5515) that pertain to “fully protected” animals—a classification from the 1960s that predated CESA. Because it does not clearly define what, if any, take is permitted, the assumption by some is that no take of fully protected species is permitted in HREA. As a result, the rule is often interpreted as meaning that a project is not eligible for HREA if a species of animal on the fully protected list may be present, resulting in underutilization of the Act and limiting its effectiveness.

Proposed Solution

Renew HREA and update Section 1654 with language that explicitly allows for incidental take of species protected under Fish and Game Code sections 3511, 4700, 5050, and 5515.

Other Considerations and Notes

With HREA sunsetting in 2021 and in need of renewal, there is an immediate and enduring opportunity to make these improvements. This and the following recommendation could be made at the same time. Another alternative considered by stakeholders was to move fully protected species into CESA as was originally intended. This recommendation was seen as something that would require more groundwork and could not likely to be implemented as quickly.



EFFICIENCIES FOR SMALL-SCALE PROJECTS

Recommendation 5: Allow voluntary restoration projects to be eligible for HREA and SHRP, regardless of funding source.

Challenge and Approach

Diversified funding sources are critical to completing projects, especially at a pace and scale that meet ecological needs. This is particularly true during economic downturns and public budget shortfalls. However, HREA and SHRP preclude a whole swath of projects if they are funded by mitigation fees, fines, or settlements. This is despite the fact that allowing voluntary restoration projects to make use of mitigation funds does not reduce the requirements or fees for the entity that was required to do the mitigation.

HREA Section 1652(c)(1) and the SHRP (Section A.4) are often interpreted as prohibiting the use of these regulatory efficiencies for mitigation. Furthermore, HREA Section 1652(c)(2) prohibits its use when the project is part of a regulatory settlement. However, there is inconsistent interpretation and application of this preclusion. Furthermore, these critical funding sources are sometimes administered as grants by conservancies or other state agencies. But grant applicants do not always know the original funding sources, and so are unaware that they might be breaking this rule.

The state has made notable investments in strategic, effective, and efficient use of mitigation, settlement, and fine funds in a variety of ways, including through Natural Communities Conservation Plans, Regional Conservation Investment Strategies, Regional Advanced Mitigation Planning via the Statewide Advanced Mitigation Initiative, and more. Various programs have been developed to apply significant mitigation funds toward high-priority projects in many regions. Additionally, some restoration work is funded through regulatory settlements, such as the State Water Board's Enforcement

Policy, which allows for dischargers to direct their fines towards pre-identified Supplemental Environmental Projects.

SHRP and HREA eligibility requirements should be clarified to allow their use for voluntary restoration and enhancement projects that are funded through these mechanisms. Doing so would increase the pace and scale of project delivery, ensure effective use of funding, and support state investments in large-scale planning efforts. It would also be consistent with the new SWRCB General Order in development for large projects, as well as other completed or in-progress state and federal authorizations (e.g., NOAA Restoration Center Programmatic Biological Opinions and companion Consistency Determination from the Coastal Commission, the forthcoming U.S. Fish and Wildlife Service [USFWS] statewide aquatic restoration Biological Opinion, etc.).

Proposed Solution

- (1) Amend HREA to revise Section 1652(c)(1) and Section 1652(c)(2) to apply to projects that are using mitigation and settlement funds.
- (2) SWRCB provides clarifying language regarding eligible project types in section A.4 from the 401 General Water Quality Certification in its 2020 General Order update.

Other Considerations and Notes

It is important to emphasize that this recommendation does not streamline or facilitate development and does not change mitigation requirements. Rather, it enables environmentally beneficial work to include mitigation or settlement monies in its funding portfolio while making use of existing permitting efficiencies.



EFFICIENCIES FOR LARGER-SCALE PROJECTS

The importance of working at a landscape scale has become widely recognized within the national conservation and stewardship community. Larger projects with multiple benefits are absolutely essential to effectively address the challenges of creating climate change resiliency, maintaining biodiversity, connecting wildlife corridors, protecting water supplies, and restoring ecosystem benefits and services.

Over the past 15 years, California has made a number of significant regulatory efficiency advances for a suite of conservation, restoration, and stewardship actions. These efforts have primarily focused on smaller projects. There are fewer tools and incentives for developing projects at larger, more ecologically appropriate scales. This results in fewer and smaller actions being taken at a slower pace and a greater expense.

The following section offers five key recommendations for improving the way larger-scale work is permitted. These recommendations create important efficiencies and take advantage of upcoming opportunities to reduce costs, save time, and better support environmentally beneficial work so that practitioners and resource agencies can meet the challenges at hand.

Mirroring the efficiencies gained for smaller-scale projects will support greater ecological benefits and cost efficiencies gained by working at a landscape scale, such as this project to reestablish miles of habitat for Coho salmon migration that had filled with sediment in Pescadero Marsh in San Mateo County.





EFFICIENCIES FOR LARGER-SCALE PROJECTS

Recommendation 6: Develop the 401 General Order and Waste Discharge Requirement (General Order) for aquatic restoration projects and certify the associated Programmatic Environmental Impact Report (PEIR).

Challenge and Approach

SWRCB took leadership in developing the original SHRP 401 General Order more than a decade ago. They are currently creating a companion General Order for aquatic restoration projects that are larger than those eligible for SHRP. This new General Order would work in tandem with programmatic approvals from both NOAA (existing) and the USFWS (in development) under Section 7 of the Endangered Species Act for projects to recover populations of threatened and endangered species over which these agencies have jurisdiction.

SWRCB is also collaborating with CDFW and others on a PEIR for the new General Order. This CEQA document, if written and administered effectively, could be utilized by multiple state agencies that fund and implement aquatic restoration projects as described and analyzed in the PEIR. The CNRA and CDFW should continue to support this effort and ensure that these tools are developed and used to increase the pace and scale of restoration work statewide. If developed collaboratively and certified, the PEIR could provide significant guidance for developing sound projects as well as substantial cost- and time-savings for a wide range of state agency staff and project proponents.

Proposed Solution

The Secretary of Natural Resources and CDFW Director continue their collaborative work with SWRCB on this effort and ensure its successful implementation.

Other Considerations and Notes

This recommendation interconnects with other recommendations in this report and other efforts underway, including: (1) It is consistent with the potential USFWS Programmatic Biological Opinion that currently in development as well as those completed by NOAA. (2) Recommendation 7 is linked to this recommendation moving forward. (3) The categorical exemptions in Recommendation 8 may no longer be needed if the PEIR currently being advanced can be used by a broader range of state agencies.



EFFICIENCIES FOR LARGER-SCALE PROJECTS

Recommendation 7: Create companion efficiencies in the Fish and Game Code to the General Order for aquatic restoration for larger-scale projects.

Challenge and Approach

HREA has provided a successful example of a restoration project-focused permit mechanism that provides CDFW with a process to offer consolidated and expedited coverage for both Lake and Streambed Alteration Agreements (Fish and Game Code Section 1600) and incidental take under CESA. HREA is directly linked to SWRCB's SHRP permit process and the CEQA Class 33 categorical exemption. SWRCB is in the process of creating a new General Order for larger-scale restoration projects and a companion PEIR (see Recommendation 6). The new General Order and PEIR provide an opportunity to build on the previous inter-departmental collaboration and develop a companion CDFW permit for larger-scale projects.

One particularly timely approach could be to expand HREA during the legislative reauthorization process in 2021. This reauthorization creates a unique opportunity to evaluate expanding HREA to include a process for providing Lake and Streambed Alteration Agreements and CESA compliance for larger-scale projects that will be covered under the General Order and PEIR.

Proposed Solution

CDFW develops a streamlined permit mechanism for projects larger than those covered under HREA via the 2021 HREA legislative reauthorization process.

Other Considerations and Notes

This solution depends upon Recommendation 6 moving forward. If a streamlined permit mechanism for larger projects cannot be accomplished via HREA reauthorization, it is recommended that CDFW explores an internal mechanism to accomplish the same goal.



EFFICIENCIES FOR LARGER-SCALE PROJECTS

Recommendation 8: Amend CEQA to allow categorical exemptions for regulatory agencies utilizing construction activities to protect natural resources and the environment.

Challenge and Approach

CEQA Sections 15307 and 15308 provide categorical exemptions for actions by regulatory agencies for, respectively, Class 7: protection of natural resources and Class 8: protection of the environment. Class 7 and 8 both note that the exemption is for “actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement” of a natural resource (Class 7), or protection of the environment (Class 8) “where the regulatory process involves procedures for protection of the environment.” Class 7 elaborates, “Examples include but are not limited to wildlife preservation activities by the State Department of Fish and Game.”

These classes of CEQA exemptions were intended to enable regulatory agencies to achieve their environmental protection goals and mandates. However, both classes explicitly preclude construction activities. This severely limits the exemptions’ utility for environmental enhancement projects, which typically involve these kinds of activities. Modifying these exemptions would better enable state regulatory agencies to directly carry out environmentally beneficial work.

Proposed Solution

The Secretary of Natural Resources considers updates to Sections 15307 and 15308 of CEQA to allow construction activities for ecological restoration and enhancement work.

Other Considerations and Notes

A consideration was to expand this recommendation to include work by other state agencies funding or implementing restoration work. This would require additional groundwork to determine eligibility limits and to ensure consistency with the intent of the exemption.

The PEIR in Recommendation 6 could provide significant CEQA compliance coverage for state agencies and make this change much less critical.



EFFICIENCIES FOR LARGER-SCALE PROJECTS

Recommendation 9: Extend programmatic permits for the Fisheries Restoration Grant Program (FRGP) to fisheries restoration projects not funded by FRGP.

Challenge and Approach

CDFW established its Fisheries Restoration Grant Program in 1981 in response to rapidly declining populations of wild salmon and steelhead trout and deteriorating fish habitat in California. In addition to funding, grantees benefit from being included in a CDFW-procured package of programmatic permits and environmental review. Through this process, the selected projects have complied with CEQA, are included in a Regional General Permit with the U.S. Army Corps of Engineers that includes federal authorization under the Clean Water Act as well as federal endangered species consultations, and receive a State 401 certification under the Clean Water Act.

These permits are not written in a way that precludes their use for projects that were not funded through FRGP. For many years, CDFW included in these permits projects that were not funded by FRGP but were compatible with the program's fisheries restoration goals and with CDFW guidelines and criteria. Returning to that practice (i.e., including more projects to be covered by permits that already exist) would facilitate significant fisheries restoration and increase the use of CDFW design criteria in these projects.

Proposed Solution

CDFW includes non-FRGP funded projects that comply with CDFW design criteria in its annual list of projects submitted for FRGP programmatic permits and environmental review.

Other Considerations and Notes

This recommendation would benefit both smaller-scale projects as well as larger-scale projects and could be an effective interim measure while other fisheries-related Cutting Green Tape recommendations move forward.

There was discussion among stakeholders, including agency staff, about the focused cost to CDFW of implementing this recommendation versus the greater, but more diffuse cost of inefficiently permitting individual projects. Another recommendation among some stakeholders was that FRGP programmatic permits include permits issued by CDFW.



EFFICIENCIES FOR LARGER-SCALE PROJECTS

Recommendation 10: Develop a CEQA-equivalent certified regulatory program for landscape-scale restoration

Challenge and Approach

Currently, it is challenging to permit and complete CEQA for projects that cross geographic and regulatory jurisdictions, include multiple landowners, and work at ecologically appropriate scales. Furthermore, significant regulatory resources are invested in avoiding potential short-term impacts, with fewer tools for considering the long-term benefits of environmental improvement projects. For example, when determining an impact's significance, CEQA does not balance short-term impacts with the long-term benefits of restoring natural processes and other environmental improvements.

In statute, CEQA allows alternative regulatory approaches. A state agency may develop its own CEQA-equivalent process, which can then be certified by the CNRA. A certified regulatory program like this for landscape-scale environmental enhancement would meet CEQA standards as a "functionally equivalent document," as enabled in statute.

Under a certified regulatory program, lead agencies would coordinate with resource and regulatory agencies to adopt a landscape-scale resource management plan that implements a broad set of restoration actions to achieve specific goals and objectives. Environmental review would then evaluate the long-term benefits in addition to short-term impacts.

Not only would combining CEQA and the planning process in this way create tremendous efficiencies, it would directly support state priorities that already have substantial existing investments. Currently, the state and stakeholders invest enormous resources in developing plans that then have

their implementation hampered by CEQA. This is even after the plans have had extensive public review and comment as well as agency involvement or ownership in their development.

Proposed Solution

Develop a CEQA-equivalent process that can be certified by the CNRA. A certified regulatory program like this for landscape-scale environmental enhancement would meet CEQA standards as a "functionally equivalent" document.

Other Considerations and Notes

A recurring theme during Cutting Green Tape roundtables focused on developing entirely new regulatory pathways for environmentally beneficial projects, creating multiple programmatic EIRs to cover state funding programs and state initiatives, or utilizing CEQA compliance as permit equivalence for other state environmental regulations. Recognizing that these are aspirational and thus far conceptual, Recommendation 10 was advanced as potentially achievable in the more near term, drawing upon examples of existing combined planning and permitting processes, such as Timber Harvest Plans and Voluntary Local Programs.



EFFICIENCIES FOR THE COASTAL ZONE

California's Coastal Zone is both defined and protected in the California Coastal Act. It encompasses 1.5 million acres of land along 1,100 miles of California coastline from Oregon to Mexico, reaching from the sea to an inland boundary that varies from several blocks to as much as five miles. The special protections for this zone are managed through diverse and complex governance, including the California Coastal Commission, Bay Conservation and Development Commission, and 126 Local Coastal Programs used by local governments to guide development and conservation in partnership with the Coastal Commission.

In its draft 2020–2025 Strategic Plan, the Commission identified a number of aspirations, including goals and objectives to advance habitat restoration, support implementation of sea level rise adaptation projects, refine implementation of the Coastal Development Permit process, address complex coastal management issues through partnerships, and seek practical solutions to planning and regulatory challenges that avoid rigid bureaucratic response. These aspirations may also be supported by Cutting Green Tape.

The following recommendation leverages tools the Commission has in place to simplify permitting and/or advance projects to protect coastal resources. For example, it has partnered with federal agencies to certify as consistent with the Coastal Act certain federal actions that accelerate conservation and restoration. These “consistency determinations” include the NOAA Restoration Center’s program to simplify permitting for projects that benefit threatened and endangered salmonid species, and a program of the USDA Natural Resources Conservation Service for erosion control activities on the Central Coast. In addition to consistency determinations, the Commission utilizes consolidated master permits, public works plans, interagency meetings, and other means to accelerate permitting of restoration along California’s coast.

Coastal areas receive special protections under the California Coastal Act for public access and coastal resources.



EFFICIENCIES FOR THE COASTAL ZONE

Recommendation 11: Exercise Coastal Commission authorities to advance restoration consistent with efficiencies authorized by SWRCB, CDFW, and CEQA.

Challenge and Approach

There is not a current pathway for permitting projects in the Coastal Zone that is consistent with HREA and SHRP for small projects that are eligible for CEQA Class 33 categorical exemptions. This makes compliance with the Act complicated and costly for small projects that do not come under the umbrella of a federal consistency determination or other large permit. Also, anticipating a new SWRCB General Order for larger-scale restoration projects and a companion PEIR (see Recommendation 6), these kinds of projects in the Coastal Zone would benefit from a compatible permitting pathway to comply with the Coastal Act.

While federal consistency determinations have provided a model for working with the Coastal Act in a regional or statewide fashion and they fall within an established program of the Coastal Commission, there is no similar mechanism for certifying state consistency. Not only would this advance and simplify restoration in the Coastal Zone; developing consistency across State agencies is also supported by Sections 30411(a) and 30415 of the Coastal Act, both of which aim to minimize duplication between the Commission and the regulatory controls of CDFW or other state agencies.

Proposed Solution

Coastal Commission explores and utilizes efficiencies within their authorities to advance small- and large-scale restoration that are consistent with and/or complementary to existing and planned efficiencies authorized by SWRCB, CDFW, and CEQA.

Other Considerations and Notes

A particular consideration in any proposed solution is that the diffuse nature of how the Coastal Act is administered under individually approved, separate Local Coastal Plans might make it challenging to apply statewide.

One alternative that was considered during stakeholder input was to develop new legislation amending the California Coastal Act to exempt habitat restoration projects from the definition of development. This recommendation looks to allowances in the existing statute for projects that do not have a potential significant adverse effect, similar to what is stated in the CEQA Class 33 exemption criteria for small projects.

Another alternative was for the commission to consider a coastal development permit exemption for projects meeting CEQA Class 33 criteria. This was advanced as consistent with Section 30610(e) of the California Coastal Act, which states that a permit is not required for a category of development that the commission has found to have "no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access."



EFFICIENCIES TO ENHANCE STREAMFLOW AND RECHARGE GROUNDWATER

As the effects of climate change become increasingly evident, protecting and restoring the state's precious water resources have also become more paramount than ever. However, inefficiencies and redundancies in the current water rights permitting process have resulted in missed opportunities to protect critical aquatic resources.

The following recommendation would help create a framework to support and empower SWRCB and CDFW staff dedicated to protecting water rights and instream flow resources, enabling them to better coordinate, prioritize, and advance this critical work. It would also support other state and federal environmental priorities.

Guidance on prioritization and coordination from SWRCB and CDFW leadership would give staff working to advance streamflow, aquatic resources, and water quality projects the institutional support they need to get more of this critical work done.



SAN MATEO RESOURCE CONSERVATION DISTRICT



EFFICIENCIES TO ENHANCE STREAMFLOW AND RECHARGE GROUNDWATER

Recommendation 12: Identify and advance beneficial projects involving changes to water rights.

Challenge and Approach

The current SWRCB and CDFW water rights permitting process creates significant inefficiencies and redundancies that result in lost opportunities and delayed benefits for aquatic resources. In its current form, the process to modify an existing water right for the purpose of protecting instream flows for native fisheries provides limited flexibility. It makes it challenging for SWRCB staff to allow water-rights holders to vary their usage—taking more water when it has a smaller impact on the stream so they can take less water at other, more critical times. The process also does not require SWRCB and CDFW staff coordination, except through a formal “protest” process, resulting in inefficiencies and redundancies.

Guidance from the executive leadership of both agencies would allow staff to prioritize and advance projects that enhance streamflow, aquatic resources, and water quality or support state or federal environmental priorities. This will also help ensure better alignment between the agencies. The directive would include guidance to staff to utilize other existing mechanisms that expedite environmental project approvals, including HREA, CEQA Class 33 exemptions, SHRP, Section 3.2.2.5 of the North Coast Instream Flow Policy pertaining to water rights applications, etc.

Proposed Solution

SWRCB and CDFW executive leaderships issue a joint directive to their respective staffs who work on water rights and instream flows to create clear guidance and an interagency framework for identifying and advancing beneficial projects. As part of the directive, specific direction is given regarding when to use existing mechanisms that expedite approvals.

Other Considerations and Notes

Although there is inherent redundancy in having two separate agencies permit the same work, combining this into one process would be challenging because each agency has different mandates and statutory obligations for review.

A Memorandum of Understanding was considered as an alternative, but a joint directive was advanced as an approach that might facilitate and focus more on collaboration, guidance, and support for staff to advance beneficial work.



SIMPLIFYING PERMIT APPLICATIONS

The following two recommendations will help consolidate, coordinate, and streamline existing permit application and tracking processes. Better coordination will not only save time and money for both applicants and permitting agencies, it will also allow them to dedicate more of their finite available funding to their missions to protect California's critical natural resources.

A more coordinated and collaborative approach to existing permit application processes will leave more money and time to do boots-on-the-ground work.



SAN MATEO RESOURCE CONSERVATION DISTRICT



SIMPLIFYING PERMIT APPLICATIONS

Recommendation 13: Develop a single permit application for projects that are eligible for both HREA and SHRP.

Challenge and Approach

Applications for HREA and SHRP require very similar information, but on separate applications that are organized differently and reviewed independently. A more cost-effective and time-efficient approach would be to have one application that complies with both regulations, which the agencies then review collaboratively. Preferably, this process would also be done online, which is in keeping with the significant efforts agency staff have made to overcome technical, security, and state and federal policy barriers to online permitting. However, an online permit application may require state support beyond the agencies, or a portal managed by a third-party vendor that can provide a common point of entry without agency constraints.

Models exist for developing such a system. SWRCB is developing an online portal for permit applications and currently uses an online system for National Pollutant Discharge Elimination System General Construction Permit applications and tracking. CDFW recently launched their Environmental Permit Information Management System (EPIMS), which contains a permitting portal to enable applicants to complete and submit a Lake and Streambed Alteration Agreement online. EPIMS also supports a repository for uploading scanned applications for a variety of permits and authorizations. Although SWRCB and CDFW have been moving some of their permitting programs online, these systems have not tackled the challenge of cross-agency integration.

Proposed Solution

CDFW and SWRCB collaborate on the development of a single permit application that, if online, may be hosted by the state or by a third-party vendor.

Other Considerations and Notes

Cutting Green Tape stakeholders agreed that this change should be made, but also expressed significant concerns about challenges that it may present to existing IT security and other systems. In the interim, or if an online solution is not viable, both agencies can agree to a single form within their existing authorities and provide it as a PDF document that does not require online submission.



SIMPLIFYING PERMIT APPLICATIONS

Recommendation 14: Create a unified online permit application for state agencies that simplifies submittal and tracking for both agency staff and applicants and supports interagency coordination.

Challenge and Approach

Applicants expend a tremendous amount of time and effort to fill out forms asking for the same information in different ways. This makes the process substantially more complicated, increasing the amount of money and time spent on permitting. This is then money that cannot be put toward work on the ground for the benefit of the resource.

For permit reviewers, the current process discourages collaboration between agencies because the information they are looking at is presented differently. It is also inefficient because permit applications are frequently on paper, sent by postal mail, then routed sequentially to multiple people for different aspects of review and approval.

Solutions are needed to integrate the systems and utilize current technology. This can build upon lessons learned from previous efforts to create unified permit applications, such as the San Francisco Bay Joint Aquatic Resource Permit Application, as well as state initiatives that have worked across different existing information-tracking databases and agency infrastructures.

Proposed Solution

(1) Utilize existing authorities within SWRCB/ California Environmental Protection Agency and the CNRA to implement a viable solution.
(2) Explore a Governor- or state-level solution to create a more standardized system.

Other Considerations and Notes

Implementing Recommendations 6 and 7 would make this recommendation easier to implement.

Ideally, a new unified permit application would also coordinate with and incorporate federal applications (e.g., the existing NOAA Fisheries Programmatic Biological Opinion and the forthcoming USFWS Programmatic Biological Opinion). However, any federal nexus introduces additional security considerations.



WHAT'S NEXT?

Implementing the recommendations in this report will require diverse expertise, including key agency representatives with relevant decision-making authorities. It will also depend upon those with on-the-ground knowledge of land stewardship and regulatory frameworks. We recommend that as agencies work to implement these recommendations, they commit to maintaining ongoing collaboration and regular dialogue with roundtable participants and other key stakeholders.

While this report outlines a suite of recommendations focused on regulatory efficiency, CLSN will also be working on other aspects of Cutting Green Tape that support innovative solutions to increase critical cross-boundary stewardship for landscape-scale results. These include increasing data sharing and access, funding efficiencies, cross-jurisdictional collaboration, and more. The approach for addressing these topics will include a stakeholder engagement process similar to what helped to generate this report and its recommendations.

CLSN will also support an academic research case study on the implementation effort to help track and reveal how Cutting Green Tape is integrated and implemented, share its vision and successes, reveal remaining challenges, and ensure overall transparency and accountability.

The recommendations in this report call for actions by state agencies, practitioners and advocates alike who are committed to environmental stewardship. It reflects a moment in time that we hope will catalyze broader participation and support for these recommendations and beyond. We look forward to this journey together.

The path forward will depend upon efforts and expertise of many as Cutting Green Tape works towards the recommendations in this report and tackles other challenges to landscape-scale efforts such as data sharing, funding, and collaboration.



APPENDIX 1

Complete List of Recommended Potential Actions from Stakeholders

The table below lists all potential actions recommended by roundtable participants and other experts and identifies how the input was incorporated into this report.

	STAKEHOLDER INPUT	HOW IT WAS INCORPORATED
1	Work with SWRCB to ensure that new Habitat Restoration 401/Waste Discharge Requirement pathway is completed, it meets practitioner needs, and their companion CEQA effort results in a programmatic document that can be used by other project proponents.	Recommendation 6
2	Create a unified (ideally, online) permit application for existing, and potentially, any new, small habitat restoration pathways, including SHRP/Waste Discharge Requirement and HREA.	Recommendation 13
3	Eliminate or modify the 500-linear-foot cap on existing SWRCB and CDFW restoration compliance processes (while maintaining the original Section 15333 5-acre limitation).	Recommendation 3
4	Ensure that planning efforts such as Regional Conservation Investment Strategies/Total Maximum Daily Load/Natural Community Conservation Planning/Recovery Plans more effectively “cut green tape” by incentivizing implementation actions through regulatory efficiencies.	Recommendations 6, 7, 8, 9, 10, 11, 12
5	Create programmatic permits for restoration/stewardship activities carried out by the state (including coverage for state-funded projects).	Recommendations 6, 7, 8, 10, 11
6	Eliminate redundancy between 401/Waste Discharge Requirement process and Construction General Permit National Pollutant Discharge Elimination System process for restoration actions that require a 401/Waste Discharge Requirement.	In process via SWRCB and not included separately in this report.
7	Secure clear interpretations by the CNRA and the Governor’s Office of Planning and Research on specific language in CEQA Section 15333 that will result in the exemption being fully utilized by lead agencies and consultants (e.g., eliminating confusion regarding “significant impact to special status species” and “primarily with hand labor”).	Recommendation 1
8	Expand the 5-acre limit on CEQA Section 15333 and associated pathways.	Recommendation 2
9	Consider creating a CEQA statutory exemption for restoration and stewardship activities.	Subsumed by Recommendations 1, 6, 8, and 10.
10	Amend language in CEQA Categorical Exemptions Class 7 and 8 to exclude ecological restoration projects from definition of “construction.”	Recommendation 8

APPENDIX 1

Complete List of Recommended Potential Actions from Stakeholders

	STAKEHOLDER INPUT	HOW IT WAS INCORPORATED
11	Develop programmatic CEQA coverage for restoration/stewardship activities carried out by the state (including coverage for state-funded projects). [Note potential overlap/redundancy with recommended action items for CEQA Categorical Exemptions Class 7 and 8.]	Recommendations 8 and 10
12	Develop a Certified Regulatory Program(s) (similar process to a Timber Harvest Plan) to provide a CEQA-equivalent document for landscape-scale restoration and stewardship actions.	Recommendation 10
13	Require state agencies acting as CEQA leads to follow CEQA timelines (to avoid letting the process go too long).	Not incorporated into this document.
14	Develop efficiencies for the Coastal Commission and BCDC (i.e., could be linked to small habitat restoration and/or larger restoration efforts through Federal Consistency with new USFWS biological opinion).	Recommendation 11
15	Develop a Federal Consistency determination with the Coastal Act for the new USFWS Programmatic Biological Opinion for restoration projects.	Subsumed by Recommendation 11.
16	Create an exemption in the California Coastal Act to enable vegetation management for fuel-load reduction.	Only recommendations for environmental enhancement projects were included in this report. For fuel-load reduction projects that meet these criteria, see Recommendation 11.
17	Create an Executive Order to prioritize permit efficiencies (i.e., a "directive from the top").	Accomplished: Executive Order N-82-20 was issued before publication of this report. It orders CNRA to streamline the approval process to increase the pace and scale of environmental restoration and land management.
18	Ensure better utilization of existing permit streamlining tools such as Voluntary Local Programs and Safe Harbor to address CESA barriers.	Better utilization of Voluntary Local Programs and Safe Harbor is not addressed in this report, but related CESA issues are addressed through Recommendation 7.
19	Create CDFW Statewide Permit for Habitat Restoration Projects (CESA & 1600, companion to new 401/Waste Discharge Requirement for projects that do not fit under HREA).	Recommendation 7
20	Create a funding source to enable reduced fee structure (ideally, free) for Fish and Game Code 1600 Agreements for Restoration Projects (HREA and non-HREA).	Not incorporated into this document.
21	Incorporate fully protected species into CESA to reduce barriers to species recovery.	Subsumed by Recommendations 4 and 7.

APPENDIX 1

Complete List of Recommended Potential Actions from Stakeholders

	STAKEHOLDER INPUT	HOW IT WAS INCORPORATED
22	Indemnify private landowners for unforeseen impacts resulting from the implementation of restoration or conservation actions (Oregon and Washington both have this kind of legislation).	Currently being advanced by NGOs and not recommended separately in this report.
23	Secure clear interpretations by CDFW on inclusion of coverage for fully protected species under HREA.	Recommendation 4
24	Create programmatic CESA compliance as companions to federal Programmatic Biological Opinions (NOAA Restoration Center and USFWS) for restoration projects through the use of 2081(a) for statewide or regional Consistency Determinations or Memorandums of Understanding.	Subsumed by Recommendation 7.
25	Extend CDFW's programmatic FRGP permits to non-FRGP-funded habitat restoration projects.	Recommendation 9
26	Develop a statewide approach to facilitate local/county restoration permitting (e.g., increase levers/incentives to engage local government participation in SB 375).	Not incorporated into this document. In the Coastal Zone, may be partially subsumed by Recommendation 11.
27	Create dedicated funding source for restoration-focused agency staff (e.g., for planning, permitting, funding).	Not incorporated into this document. Some "strike team" efforts currently moving forward in the state.
28	Develop a single unified permit application for all state agencies with regulatory authority over restoration/stewardship. Include clear direction/accountability regarding the mandate to increase the pace and scale of restoration/stewardship.	Recommendation 14
29	Make all permit applications and status information available online.	Recommendations 13 and 14
30	Elevate the role and opportunity for trusted regional entities (e.g., Resource Conservation Districts, conservancies, land trusts) to drive regional restoration collaboration, investments, compliance, and function as permit ambassadors.	Not incorporated into this document but noted for future phases of Cutting Green Tape.
31	Increase internal coordination between technical staff (environmental scientists, engineers), permit staff, and funding staff at intra- and interdepartmental levels to improve efficiency of project delivery; include clear direction/accountability regarding the mandate to increase pace and scale of restoration/stewardship.	Beginning of the Recommendations section.

APPENDIX 1

Complete List of Recommended Potential Actions from Stakeholders

	STAKEHOLDER INPUT	HOW IT WAS INCORPORATED
32	Create interagency (state or federal/state/local) restoration implementation “strike teams” to facilitate efficient and expedited interagency communication, review, feedback, and approval (e.g., Integrated Watershed Restoration Program of the Central Coast, San Francisco Bay Restoration and Regulatory Integration Team, U.S. Army Corps of Engineers interagency meetings, etc.); include clear direction/accountability regarding the mandate to increase pace and scale of restoration/ stewardship.	Beginning of Recommendations section.
33	Evaluate the potential for creating a separate “track” or process for permitting restoration conservation work across state agencies.	Presumed to be subsumed by Recommendations 6, 7, 10, 11 and 14.
34	Require new permitting staff to apply for all local, state, and federal permits for at least one restoration project.	Not incorporated into this document.
35	Develop clear state guidance on regulatory agency jurisdictions for habitat restoration activities with clear direction on addressing overlapping jurisdictions (geographic and content) and a process to reduce redundancy and designate one lead agency.	Presumed to be subsumed by Recommendations 6, 7, 11 and 14.
36	Ensure that new environmental and administrative pathways or policies are reviewed to avoid intentional or unintentional regulatory actions that create new barriers.	Not incorporated into this document.
37	Create new efficiencies in Water Rights Permits to expedite implementation of projects that result in increased ecological stream flows and groundwater recharge.	Recommendation 12
38	Utilize CEQA compliance as a permit-equivalent process for other state environmental regulations.	Referenced in Recommendation 10.
39	Develop legislation to authorize take of Fully Protected Species for restoration projects.	Recommendations 4 and 7
40	Post a directory of programmatic permits and documents in one place.	Not incorporated into this document. Current efforts underway.
41	Allow state-grant-funded projects to utilize those funds as meeting “financial assurances” for CESA take.	Subsumed by Recommendation 7.
42	Implement PRC 30411, which directs the Coastal Commission to “not establish or impose any controls with respect thereto [wildlife and habitats under the jurisdiction of CDFW] that duplicate or exceed regulatory controls established by these agencies.”	Subsumed by Recommendation 11.

APPENDIX 1

Complete List of Recommended Potential Actions from Stakeholders

	STAKEHOLDER INPUT	HOW IT WAS INCORPORATED
43	Modify the SWRCB's 401/Waste Discharge Requirement for SHRP and CDFW's HREA to enable use by projects funded through settlement, fine, or mitigation funds.	Recommendation 5
44	Work with CDFW to develop a protocol for beaver reintroduction and create a CEQA compliance process to enable rapid deployment of reintroduction.	Not incorporated into this document but other recommendations may be supportive.
45	Work with CDFW to clarify which, if any, permits are necessary for bullfrog removal.	Not incorporated into this document but other recommendations may be supportive.

APPENDIX 2

Cutting Green Tape

Regulatory Efficiencies for a Resilient Environment

Roundtable Participants

* Due to COVID-19 travel restrictions, these individuals were asked to contribute virtually and via conversations with this report's authors.

NAME	AFFILIATION
Jack Ainsworth	California Coastal Commission
Julie Alvis	Sierra Nevada Conservancy
Angela Avery	Sierra Nevada Conservancy
Chris Beale	Resources Law Group
*Stacy Blackwood	Orange County Parks
Chuck Bonham	California Department of Fish and Wildlife
Ashley Boren	Sustainable Conservation
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Eric Buehmann	San Francisco Bay Conservation and Development Commission
Emiko Burchill	California Natural Resources Agency
Paul Buttner	California Rice Commission
Amy Cameron	California Conservation Corps
Kim Caringer	Tahoe Regional Planning Agency
Madeline Cavaliere	California Coastal Commission
Jay Chamberlin	California State Parks
Matt Clifford	Trout Unlimited
*Megan Cooper	California State Coastal Conservancy
*Phil Crader	California Environmental Protection Agency Regional Water Board
*Don Crocker	Wildlife Conservation Board
Wade Crowfoot	California Natural Resources Agency
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Shelana DeSilva	TOGETHER Bay Area
Chad Dibble	California Department of Fish and Wildlife
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*Joe Edmiston	Mountains Recreation & Conservation Authority
Erik Ekdahl	California State Water Resources Control Board
*Deborah Enos	Watershed Conservation Authority
*Linda Escalante	Natural Resources Defense Council
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*Belinda Faustidos	Nature for All
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Rebecca Fris	Wildlife Conservation Board
*Terri Gaines	California State Parks
*Mark Glasscock	Los Angeles County Department of Parks and Recreation

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NAME	AFFILIATION
Mark Gold	California Ocean Protection Council
Larry Goldzband	San Francisco Bay Conservation and Development Commission
*Mauricio Gomez	South Coast Habitat Restoration
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Campbell Ingram	Delta Conservancy
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*Evyann Sloane	Southern California Wetlands Recovery Project
Mary Small	California State Coastal Conservancy
*Mark Stanley	Rivers and Mountains Conservancy
Carlos Suarez	U.S. Department of Agriculture, Natural Resources Conservation Service
*Jim Sulentich	Natural Communities Coalition
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*Mark Villaseñor	Fernandeño Tataviam Band of Mission Indians
Jeff Volberg	California Waterfowl Association
Jonathan Warmerdam	North Coast Regional Water Quality Board
Kevin Wright	Marin County Parks
Patrick Wright	Tahoe Conservancy
Jay Zeigler	The Nature Conservancy
April Zohn	Ducks Unlimited

**“COLLABORATION HAS NO HIERARCHY.
THE SUN COLLABORATES WITH SOIL
TO BRING FLOWERS ON THE EARTH.”**

– Amit Ray

