



CUTTING THE GREEN TAPE AND CEQA STATUTORY EXEMPTION FOR RESTORATION PROJECTS

NOVEMBER 18, 2021

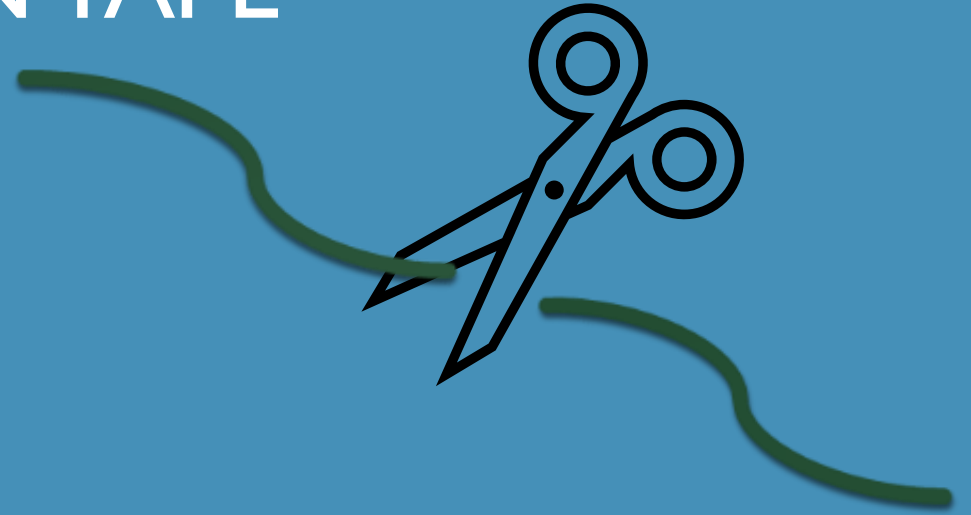


WORKSHOP AGENDA

- Welcome – Overview
- Opening Remarks from Dr. Jennifer Norris and CDFW Director Chuck Bonham
- Update on Cutting the Green Tape
- Background and Overview of CEQA Statutory Exemption for Restoration Projects
- CDFW Concurrence Process
- Questions and Comments



CUTTING THE GREEN TAPE PROGRAM



UPDATE

CDFW CUTTING THE GREENTAPE PROGRAM



Granting

- Developing efficiencies and improvements to Grant Programs
- Funding great projects, not just great applications
- Accelerating Grant Projects
- Stakeholder engagement and coordination
- Focusing grant program priorities



Permitting

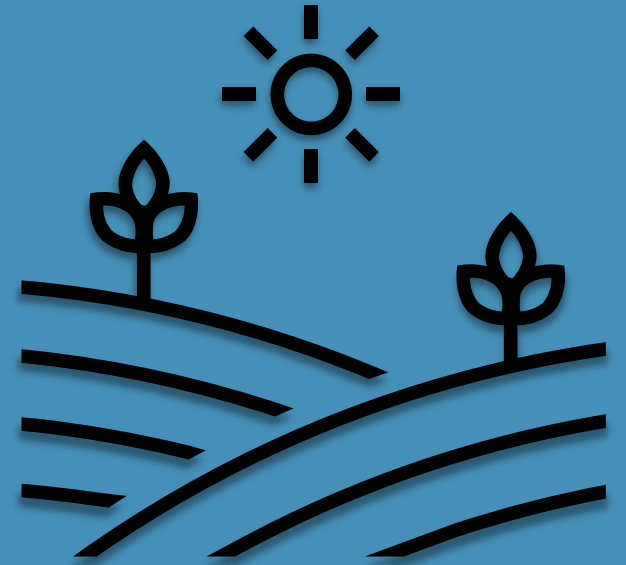
- Streamlining the permitting process
- Exploring opportunities for programmatic permitting
- Permitting Strike Teams
- Implementing the Restoration Management Permit (RMP) Template and Pilot Program to Simplify Take Authorizations

CUTTING THE GREEN TAPE IN 2021 AND BEYOND

- Continuing development of new program, hiring new staff.
- Currently conducting Proposition 1 grant solicitation focused on North Coast watersheds, piloting new Cutting Green Tape efficiencies.
- Stakeholder engagement initiatives continuing, focusing on grant administration, permitting, and engineering support.
- Streamlined and programmatic permitting initiatives.
- Continuing rollout of Restoration Management Permit (RMP) template.
- Administering CEQA Statutory Exemption for Restoration Projects
- Reporting outcomes and successes to the Legislature each year. First report forthcoming.



CEQA STATUTORY EXEMPTION FOR RESTORATION PROJECTS “SERP”



BACKGROUND

DETAILS OF SECTION 21080.56 - OVERVIEW OF RESPONSIBILITIES

- Both the CEQA Lead Agency and CDFW have specific roles for applying the new statutory exemption.
- Lead Agency responsibilities
 - I. Make determinations regarding the project pursuant to subdivisions (a) to (d) (next slide)
 - II. Obtain concurrence from the CDFW Director for the required determinations
 - III. File a Notice of Exemption with OPR within 48 hours
- CDFW responsibilities
 - I. Upon request, review the lead agency's determinations
 - II. Provide the CDFW Director's written concurrence with the Lead Agency's determinations, based on substantial evidence and best available science
 - III. Post the CDFW Director's concurrence on CDFW's website

DETAILS OF SECTION 21080.56 REQUIRED LEAD AGENCY DETERMINATIONS AND CDFW CONCURRENCE

- (a) In order to qualify for this statutory exemption, a project must exclusively be one of the following:
 - (1) A project to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend.
 - (2) A project to restore or provide habitat for California native fish and wildlife.
- (b) An eligible project may have incidental public benefits, such as public access and recreation.
- (c) To qualify for this exemption, a project must do both of the following:
 - (1) Result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery.
 - (2) Include procedures and ongoing management for the protection of the environment.
- (d) This exemption does not apply to a project that includes construction activities, except for construction activities solely related to habitat restoration.
- (e) The lead agency shall obtain the concurrence of the Director of Fish and Wildlife for the determinations required pursuant to subdivisions (a) to (d), inclusive. The Director shall document concurrence using substantial evidence and best available science.

DETAILS OF SECTION 21080.56 – OTHER PROVISIONS

- Within 48 hours of making a determination that a project is exempt pursuant to section 21080.56, the Lead Agency files a notice of exemption with the Office of Planning and Research, and CDFW posts the Director's concurrence on its website.
- The project remains subject to all other applicable federal, state, and local laws and regulations, and shall not weaken or violate any applicable environmental or public health standards.
- The Natural Resources Agency shall submit annual reports to the Legislature all determinations pursuant to section 21080.56.
- Section 21080.56 sunsets on January 1, 2025.



Statutory Exemption for Restoration Projects Concurrence Request Process

See Public Resources Code § 21080.56 for more details.

Before the concurrence request is submitted to the California Department of Fish and Wildlife (CDFW), Lead Agency requests early consultation with CDFW by emailing restorationpermitting@wildlife.ca.gov. Cutting the Green Tape (CGT) program staff may coordinate a meeting to ensure timely review of the request.

Concurrence request and attachments submitted to the Director via the Environmental Permit Information Management System (EPIMS) Document Repository.

Habitat Conservation Planning Branch (HCPB) assigns a tracking number, updates database, and transmits concurrence request to Regional CGT staff with copy to CGT headquarters staff for concurrent review.

Regional CGT staff reviews Lead Agency's determination for concurrence pursuant to Public Resources Code § 21080.56, subdivisions (a) - (d).

Concur

Further Review Needed

Conduct additional review and elevate to CDFW leadership. If nonconcurrence is anticipated, Director informs Lead Agency of decision.

Lead Agency may choose to withdraw the request to avoid nonconcurrence.

Not Withdrawn

Withdrawn

Regional CGT staff prepares draft concurrence or nonconcurrence. Regional CGT staff transmits documents to CGT headquarters staff and HCPB.

CGT headquarters staff coordinates with Directorate for signature.

CGT headquarters staff transmits signed documents to Lead Agency.

CGT headquarters staff posts concurrence determination to CDFW internet page at: <https://wildlife.ca.gov/Notices/CEQA>.

November 9, 2021

LEAD AGENCY CONCURRENCE REQUESTS PROCESS OVERVIEW

1. Recommended step: Lead Agency pre-consults with CDFW's CGT program: restorationpermitting@wildlife.ca.gov
2. Lead Agency submits concurrence request, required determinations, and other supporting evidence to CDFW. CDFW has prepared a recommended SERP request form.
3. CDFW will evaluate the Lead Agency's determinations for concurrence.
4. CDFW will work with the Lead Agency to resolve any issues. If nonconcurrence is anticipated, the issue will be elevated to CDFW leadership for a discussion. If nonconcurrence is still anticipated, the Lead Agency may withdraw the request.
5. CDFW Director issues the concurrence and posts the concurrence online within 48 hours.

RECOMMENDED SERP REQUEST FORM – PAGE I

State of California – Department of Fish and Wildlife
CEQA RESTORATION STATUTORY EXEMPTION REQUEST FORM
DFW 21080.56 (New 10/28/21) Page 1

STATUTORY CEQA EXEMPTION FOR RESTORATION PROJECTS (SERP) CONCURRENCE REQUEST

Completion and submission of this form is voluntary. This form may be submitted along with the lead agency's determinations pursuant to Public Resources Code section 21080.56(e) to request concurrence from the Director of Fish and Wildlife.

Submit this form and all attachments via the Department's [Environmental Permit Information Management System \(EPIMS\) Document Repository](#).

1. LEAD AGENCY

Lead Agency Name:	Click here to enter text.
Contact Person Name	Click here to enter text.
Street Address:	Click here to enter text.
City, State, Zip:	Click here to enter text.
Telephone:	Click here to enter text.
E-mail:	Click here to enter text.

2. PROJECT PROPONENT

Check Box and Skip to Number 3 if Same as Lead Agency

Name:	Click here to enter text.
Business/Agency/Organization:	Click here to enter text.
Street Address:	Click here to enter text.
City, State, Zip:	Click here to enter text.
Telephone:	Click here to enter text.
E-mail:	Click here to enter text.

3. PROJECT INFORMATION

A. Project Name:	Click here to enter text.
B. Project Duration (number of months or years to complete):	Click here to enter text.
C. Brief description of project location and size. <input type="checkbox"/> Check box if additional documents are attached and indicate below where this information can be found.	
Click here to enter text.	
D. Project summary and expected environmental benefits (acres or stream miles restored or enhanced, species benefitted). <input type="checkbox"/> Check box if additional documents are attached and indicate below where this information can be found.	
Click here to enter text.	

- The Lead Agency's Determinations may be submitted along with the SERP request form via the EPIMS Document Repository.

1. Lead Agency Information
2. Project Proponent
3. Project Information: Name, Duration, Location, Size, Brief Project Summary, and Expected Environmental Outcomes

RECOMMENDED SERP REQUEST FORM – PAGE 2

State of California – Department of Fish and Wildlife
CEQA RESTORATION STATUTORY EXEMPTION REQUEST FORM
DFW 21080.56 (New 10/28/21) Page 2

4. REQUIRED DETERMINATIONS

Submit the lead agency's determinations as a separate attachment. You may also summarize each determination below and indicate whether additional information is attached for each determination:

A. The project is exclusively one of the following: (1) a project to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend, or (2) a project to restore or provide habitat for California native fish and wildlife.

Briefly describe any incidental public benefits, such as public access and recreation in a separate statement below.
 Check box if additional documents are attached and indicate below where this information can be found.

Click here to enter text.

B. The project does both of the following: (1) results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and (2) includes procedures and ongoing management for the protection of the environment.
 Check box if additional documents are attached and indicate below where this information can be found.

Click here to enter text.

C. The project does not include any construction activities, except for construction activities solely related to habitat restoration.
 Check box if additional documents are attached and indicate below where this information can be found.

Click here to enter text.

Lead Agency's Required Determinations:

The lead agency shall obtain the concurrence of the Director of Fish and Wildlife for the determinations required pursuant to subdivisions (a) to (d), inclusive.

- We recommend that the Lead Agency includes its determinations in a separate document submitted along with the SERP Request Form. To facilitate CDFW's meaningful review and concurrence, the determinations document should provide the following information:
 - Project description, project objectives, and other key project information used to make the determinations;
 - The Lead Agency's determinations for each of the eligibility criteria (a) – (d), including substantial evidence and best available science that the Lead Agency's determinations were based upon;
 - Certification that the determinations represent the Lead Agency's independent judgement.

Completing Page 2 of the SERP Request Form:

- Summarize each of the Lead Agency's determinations and check the appropriate box if supplemental evidence or scientific information is attached.
- (Electronically) sign the form and submit to CDFW along with attachments.

5. CERTIFICATION

I certify that this project meets all the requirements described in Public Resources Code section 21080.56, and that I have submitted all the determinations required therein necessary to obtain the concurrence of the Director of Fish and Wildlife. An electronic signature is acceptable.

Signature _____ Date _____

Printed Name _____

CDFW CONCURRENCE PROCESS DETAILS

- SERP Review will be conducted by both HQ and regional CGT staff. Additional staff will be consulted if necessary.
- CDFW will engage with the Lead Agency when needed.
- The Director's concurrence will be based on substantial evidence and best available science.
- CDFW will provide the concurrence to the lead agency and will post the concurrence on its CEQA notices webpage: <https://wildlife.ca.gov/Notices/CEQA>
- CDFW hopes to initiate at least one pilot concurrence during 2021.
- We are targeting January 2022 to make the SERP concurrence process widely available.
- We anticipate an approximately 90-day timeline for the first few concurrences as we get the program up and running.



Statutory Exemption for Restoration Projects

▸ Things to Know Before Applying

▸ SERP Process

▸ Example Projects

▾ Background

Governor Newsom signed Senate Bill (SB) 155, on September 23, 2021, adding Section 21080.56 to California Public Resources Code. This section provides a new CEQA statutory exemption until January 1, 2025, for fish and wildlife restoration projects that meet certain requirements. Lead agency application of the exemption for any particular project is subject to the required concurrence of the CDFW Director.

Public Resources Code section 21080.56.

(a) This division does not apply to a project that is exclusively one of the following:

(1) A project to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend.

(2) A project to restore or provide habitat for California native fish and wildlife.

(b) An eligible project may have incidental public benefits, such as public access and recreation.

(c) This section does not apply to a project unless the project does both of the following:

(1) Results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery.

STATUTORY EXEMPTION FOR RESTORATION PROJECTS

CEQA Notices and Documents

Submit a Request

Questions and Answers

Contact Us

SERP WEBPAGE

NOTE: this webpage has not been published, and is not available currently

STATUTORY EXEMPTION FOR RESTORATION PROJECTS (SERP)



Questions? We are here to help!

restorationpermitting@wildlife.ca.gov

QUESTIONS



- If you have a question/comment, please submit your question through the Q&A function at the bottom.
- Questions not answered during the meeting will be included with the Frequently Asked Questions.