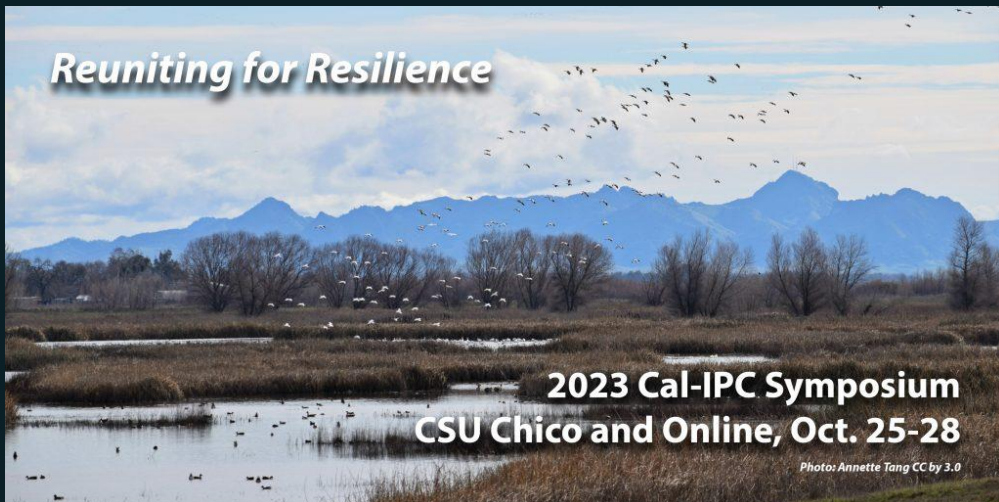


Accelerating Invasives Species Control with CDFW's Cutting the Green Tape Program



BRAD HENDERSON
OCTOBER 27, 2023



*Cutting the
Green Tape*



CUTTING THE GREEN TAPE

The California Department of Fish and Wildlife's Cutting the Green Tape program is a statewide effort to increase the pace and scale of habitat restoration by creating and implementing new environmental permitting and grant funding tools.



Grant Funding



Permitting and CEQA Exemptions

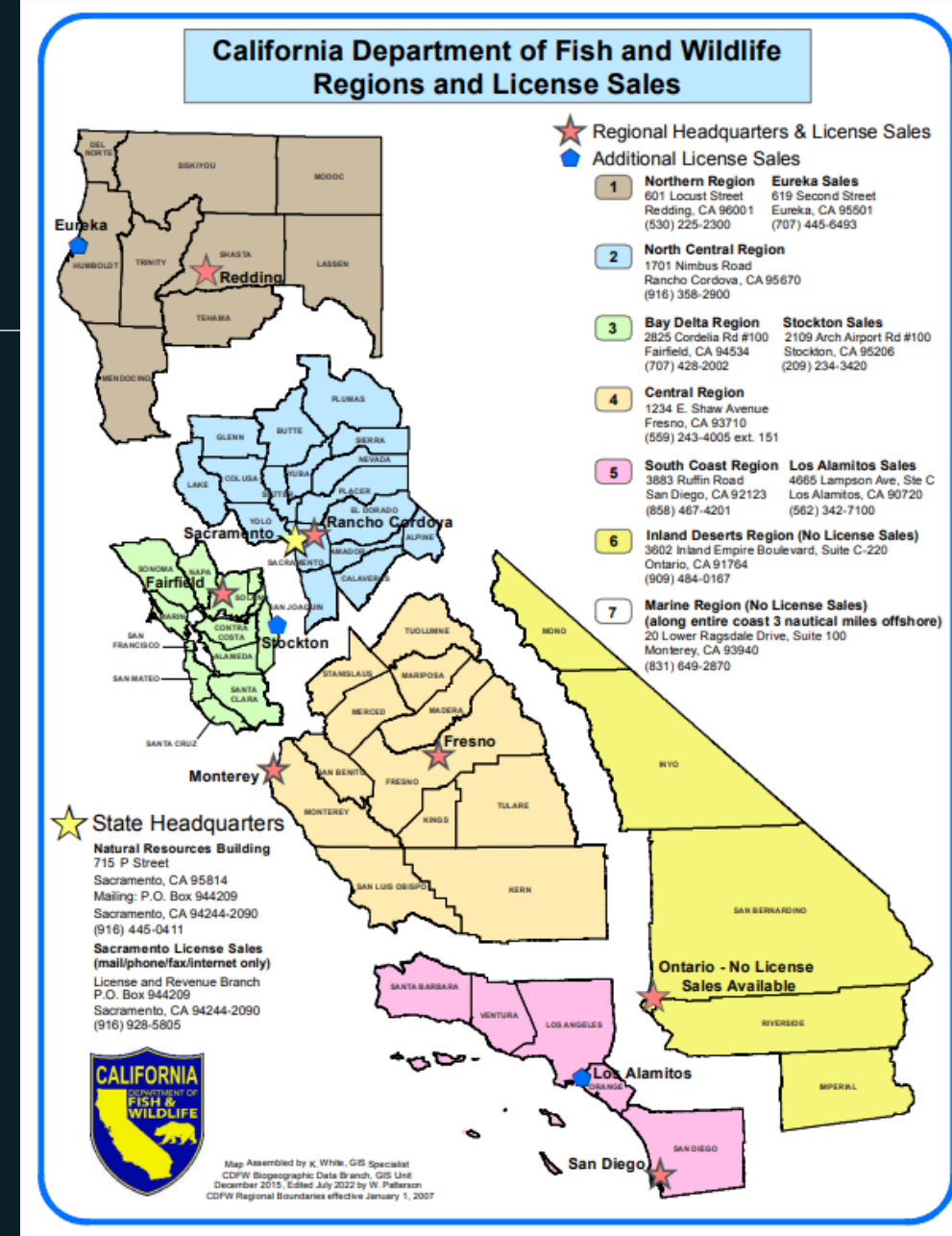


Project Coordination

<https://wildlife.ca.gov/Cutting-Green-Tape>

CGT Strike Team Coverage

- HQ - support, policy, new permitting tools R&D
- CGT Staff in Regions 1-5
- restorationpermitting@wildlife.ca.gov





CUTTING THE GREEN TAPE

Restoration Permitting and CEQA Tools



Restoration Management Permit (RMP)

The RMP is a consolidated take authorization for both state listed species and Fully Protected species.



Restoration Consistency Determination (CD)

Restoration Consistency Determinations are fast, free, and provide take coverage for animals that are both state and federally listed.



Habitat Restoration and Enhancement Act (HREA)

HREA combines a CEQA exemption, LSA, CESA permit, and integrates with a Clean Water Act 401 certification for small restoration projects.



Statutory Exemption for Restoration Projects (SERP)

Does your restoration project need CEQA coverage? SERP can save substantial money and time for qualifying projects.

RestorationPermitting@wildlife.ca.gov

Restoration Management Permit “RMP”

- Restoration = Management activities, efforts to recover
- Net benefits to the covered species
- CESA-listed and Fully Protected Species – combining these permits
 - Future: Add common species and SSC?
 - Future: Incorporate LSA?
- No cost for CESA, FPS take coverage
- Multi-Project permitting
- Incorporation by reference



RMP Take and Conditions

- Take related to construction, implementation, O&M, and ongoing monitoring (life of the project)
- Nonlethal: Pursue, catch, capture, or attempt to do so
 - Movement out of harm's way: relocation
 - Intentional translocation for recovery
- Lethal: “kill,” mortality
- ~~Full Mitigation and Financial Assurances~~



Restoration Consistency Determination

- For dually listed wildlife (ESA and CESA)
- Free, no fees for “voluntary habitat restoration projects”
 - Simple request and 30-day process
- CDFW cannot add or delete any terms or conditions – early coordination is essential
- Project CDs can be written for individual federal BOs or programmatic BOs
- Same legal authority as CESA portion of RMP



Restoration CDs for Programmatic Biological Opinions (PBOs)

- CDFW can now issue a Restoration CD for a project covered by a PBO
- How? The key is the PBO application form
- CDFW considers the PBO, the application, and the federal approval collectively for the CD
- Again, CDFW considers the restoration project as “management”
- Existing NOAA RC PBOs and the new USFWS PBO



Restoration CDs for Programmatic Biological Opinions (PBOs)



USFWS ESA SECTION 7(a)(2) REVIEW FORM

This Endangered Species Act (ESA) Section 7(a)(2) Review Form is for the multi-agency implementation of restoration projects in California under the Statewide Programmatic Restoration Effort (Effort). This form serves to document that restoration projects proposed under the Effort are in compliance with the U.S. Fish and Wildlife Service (USFWS) Programmatic Biological and Conference Opinion (PBO)(USFWS File Number: 2022_0005149-S7). Follow the steps below before submitting this form.

While the action area of this programmatic consultation is the entire state of California, it is the responsibility of the Project Proponent to coordinate with and receive permission from any landowners for which activities may occur, including federal lands, in order to proceed under this programmatic consultation.

INSTRUCTIONS:

- 1) Read the PBO to determine if the project fits the Project Eligibility Criteria.
- 2) Review the Program Administration for ESA Section 7 Compliance with USFWS Flow Chart in the PBO. Please note that USFWS ES welcomes early coordination on any such projects expecting to use the PBO. Either the Action Agency or Action Agency and Project Proponent can contact the local USFWS ES Field Office for technical assistance prior to submitting this form.
- 3) Complete pages 1-10 of this form in their entirety. Attach all necessary documents, maps, and photos as outlined in the Project Description Checklist on page 3. Attach biologist information as outlined on page 7.
- 4) For the Guild and Species-Specific Measures (pages 10-18), either indicate that the measures do not apply or complete and include measures **only for guild/species that are applicable to the project**.
- 5) Complete the project approval and signatures page (page 19).
- 6) Report all injury or mortality of listed species to the respective USFWS ES within 48 hours.
- 7) Provide the information requested in the Post-Construction Report Form to the respective USFWS Field Office by December 1st. If the monitoring/success criteria are not complete at that time, an additional report is due each year on December 1st until complete. The standard for revegetation success is 60% percent absolute cover compared to pre-project conditions at the project site or at least 60% cover compared to an intact, local reference site. If an appropriate reference site or pre-project conditions cannot be identified, success criteria will be developed for review and approval on a project-by-project basis, based on the specific habitat impacted and known recovery times for that habitat and geography.

PROHIBITED ACTIVITIES

Are any of the prohibited activities a part of the proposed project? Y/N?

If yes, it is unlikely the PBO will be applicable to your project. However, if you believe your project does qualify, please identify which prohibited activities are part of your project and describe in detail why you believe your project can fit within the context of the PBO in an attached statement.

INFORMATION TO INCLUDE

Include a **project description as an attachment to this ESA Section 7(a)(2) Review Form**. Use the following checklist to ensure that the project description includes all necessary information.

Project goals and objectives

An Official Species List from the USFWS Information for Planning and Consultation (IPaC) online tool to identify the listed species of interest at the project location (based on this evaluation, identification of the Covered Species, presence of suitable habitat onsite, and their potential to occur onsite). Include the number generated from IPaC for USFWS tracking purposes

Describe the problem being addressed by the project and the context of this issue in the watershed

Description of the type of project and restoration techniques used (culvert replacement, instream habitat improvements, etc.)

Project dimensions

Project area maps

Description of construction activities anticipated (types of equipment, timing, and staging areas or access roads required) and the materials that will be used

SHRP/HREA (small projects)

- Maximum project size of 5 acres or a cumulative 500 linear feet.
- Two HREA options:
 - FGC 1652 (CDFW first) – 60 days
 - FGC 1653 (401 first) – 30 days
- Species protection measures
- Early agency consultation

CEQA Exemption

CESA Coverage

LSA not needed

401 Water Quality

CEQA Statutory Exemption for Restoration Projects “SERP”

- Passed in late 2021 – added Section 21080.56 of the CA Pub. Res. Code
 1. CEQA Lead Agency determines that the statutory exemption applies
 2. CDFW Director concurs
- Used for *Arundo* control projects
- Other permits still apply
- Sunset is Jan 1, 2025
- Voluntary 4-page SERP request form
- We will help you



SERP Qualifying Criteria

- (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.

Other Permits

Our Partners at Sustainable Conservation have created an amazing new website to help consolidate and explain permitting and environmental review processes to support your invasive species removal project!

SusCon also offers free permitting consultations!

Just send a message to:
restoration@suscon.org

Let's explore!

ACCELERATING RESTORATION

A resource website by Sustainable Conservation

HOME FIND PERMITTING PATHWAYS ▾ EXAMPLE PROJECTS ▾ MORE RESOURCES ▾ ABOUT US ▾

Tools and resources for restoration project permitting

Find Pathways by Agency
Find efficient permitting options listed by the issuing agencies or authorities here.
[SEE AGENCIES](#)

Introduction to Permitting
New to restoration project permitting? Start with these tips for success.
[GET STARTED](#)

Our Essential Guide
Download our PDF table of permits, agencies, eligibility, and benefits.
[DOWNLOAD](#)



**USFWS Statewide
Restoration Programmatic
Biological Opinion (PBO)**

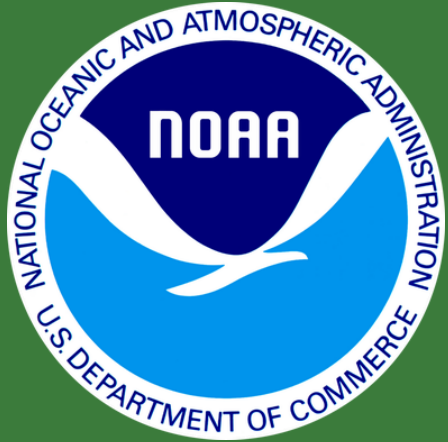
**“Removal of Nonnative Terrestrial and
Aquatic Invasive Species and
Revegetation with Native Plants”**



**Central Valley NMFS
Programmatic Biological
Opinion (PBO)**

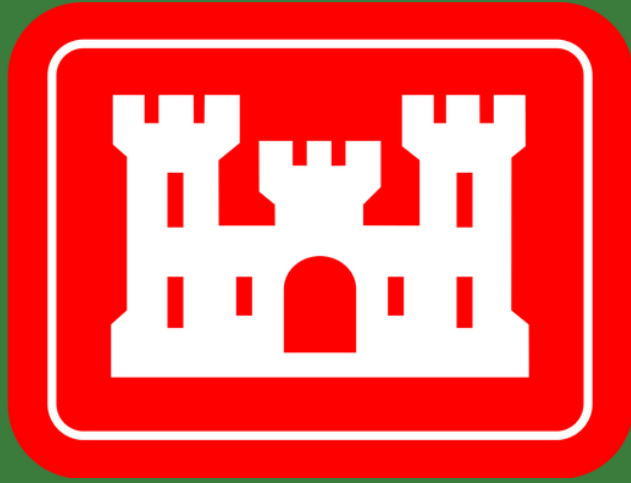
**There are a total of four PBOs
covering the entire range of
anadromy in CA!**

**“Invasive Plant Removal and
Revegetation to Improve Fish and
Wildlife Habitat”**



**PBO/Coastal Development
Permit Consistency
Determinations in the Coastal
Zone!**

“Invasive Species Control Projects”



**USACE Nationwide Permit 27
– Aquatic Habitat Restoration**

**“Mechanized Land Clearing to Remove
Non-Native Invasive, Exotic,
or Nuisance Vegetation”**



**Water Board Statewide
Restoration General Order
(SRGO)**

**Water Board General Order
for Small Habitat Restoration
Projects**

**“Removal of Nonnative Terrestrial and
Aquatic Invasive Species and
Revegetation with Native Plants”**

**“Revegetation of Disturbed Areas
with Native Plant Species”**



CUTTING THE GREEN TAPE



Use The Tools!



Get Help!



*Revitalize
Habitats!*

Brad Henderson, CGT Program Manager