



MEMORANDUM

TO: Leaders of the Agency's Conservancies, Departments, and Divisions

FROM: Wade Crowfoot, Secretary, Natural Resources Agency

SUBJECT: Cutting Green Tape Report Implementation

DATE: January 7, 2021

Cutting Green Tape is one of our Agency's priority initiatives intended to expedite beneficial environmental conservation and restoration projects in California. This memo identifies actions that we can take within our Agency in coming months that will help us make progress on this initiative.

Climate change and the alarming loss of biodiversity demand our collective action to build resilience across our natural environment. To do this, we must enable environmental conservation and restoration projects in California to happen more efficiently, effectively, and affordably. Advancing critical conservation and restoration projects will better protect the remarkable diversity of plants and animals in California as well as natural places and communities from climate-driven threats. Governor Newsom underscored the importance of habitat restoration and Cutting Green Tape as part of his recent Nature Based Solutions [Executive Order](#) when he called upon CNRA to "implement actions to increase the pace and scale of environmental restoration and land management efforts by streamlining the State's process to approve and facilitate these projects."

Many of the departments, commissions and conservancies within our Agency are already advancing important innovations such as: improving planning and permitting; expediting project review and approval when appropriate; providing strategic financing support; and enhancing cross-jurisdictional collaboration. Our Department of Fish and Wildlife (CDFW), for example, has invested one-time funding over the last year to pilot several promising improvements, which are detailed in the attached update. I know many of you have similar efforts underway. I am grateful for this work and look forward to celebrating your progress as we work together to do even more.

Earlier this year, at my request, the [California Landscape Stewardship Network](#) hosted several roundtables to advance strategies for increasing the pace and scale of our ecosystem restoration efforts. The Network is a broad coalition of governmental agencies, non-profit groups, academics and land managers, and is committed to inclusive, equitable environmental stewardship. Thanks for your teams' participation in these organized dialogues. The process explored broad ideas to improve our collective

efforts and ultimately yielded 14 specific recommendations described in the report: [Cutting Green Tape: Regulatory Efficiencies for a Resilient Environment](#). After reviewing these recommendations carefully, I have identified several actions that we can and should implement immediately. Accordingly, I am providing the following direction to our Agencies' boards, commissions and conservancies:

1. **All entities** within the Natural Resources Agency should review their own procedures for CEQA implementation and as necessary, clarify that the presence of endangered, rare or threatened species, or the use of mechanized equipment, respectively, does not preclude application per se of the CEQA Guidelines Class 33 categorical exemption for small habitat restoration projects (Recommendation 1 in the report) and that staff should make every effort to use this action where appropriate.
2. The **Department of Fish and Wildlife** should continue to prioritize it's work with the State Water Resources Control Board (SWRCB) to complete the Programmatic Environmental Impact Report that will accompany SWRCB's 401 General Order and Waste Discharge Requirement for large aquatic restoration projects (Recommendation 6 in the report).
3. The **Department of Fish and Wildlife** should continue to explore and advance options for permitting large-scale restoration projects by means of a combined approach to a Section 2081 (a) take authorization under the California Endangered Species Act and a lake and streambed alteration agreement authorization pursuant to Section 1600, et seq ((Recommendation 7). In doing so, the Department should look for opportunities to ensure consistency with the SWRCB's General Order.
4. Our Agency's **Deputy Secretary for Biodiversity and Habitat** should consult with appropriate regulatory agencies and provide a recommendation on whether to amend CEQA Guidelines to clarify the meaning of "construction activities" for restoration projects using Class 7 and Class 8 categorical exemptions. These exemptions apply to actions by regulatory agencies intended to protect natural resources and the environment. (Recommendation 8 in the report).
5. The **Department of Fish and Wildlife** should coordinate with the State Water Resources Control Board to create an interagency framework and process for prioritizing and permitting restoration projects that are beneficial to aquatic resources to facilitate expedited implementation (Recommendation 9 in the report).
6. The **Department of Fish and Wildlife** should continue to advance its work with the State Water Resources Control Board and with existing resources to develop an efficient process for joint application and review of permits under HREA (Fish and Game Code, section 1653) and the 401 General Water Quality Certification Order for Small Habitat Restoration Projects (Recommendations 13 and 14). This process could include a joint application, joint tracking or another joint process intended to increase permitting efficiency.

I ask that you report back on your entities' progress to advance these actions by February 15, 2022. Jennifer Norris, our Deputy Secretary for Biodiversity and Habitat, will serve as the point person for these updates and collaborate with you to implement these actions. We will monitor in coming months and years how these changes impact the delivery of beneficial environmental restoration and can adapt these directives as needed.

Most importantly, thank you for your commitment to protecting and restoring California's ecosystems and for all that your teams do to steward the incredible natural environment of our state.