

Cutting the Green Tape

A Guide for Local Governments

Cutting Green Tape is a **Statewide Initiative** to Increase the Pace and Scale of Environmental Restoration

California has a proud tradition of strong laws that protect our environment. But projects that are beneficial to the environment can be slowed by the same processes and procedures as traditional projects.

Cutting Green Tape means improving regulatory processes and policies so that environmental restoration can occur more quickly, simply, and cost-effectively. Complex and overlapping permitting processes can result in fewer and smaller actions being taken at a slower pace and greater expense.

Solutions have been developed to advance projects that improve ecological conditions, ecosystem resilience, and biodiversity. The general approach involves clear direction to project designers through pre-approved measures to minimize short-term impacts that can occur in the process of environmental restoration.

How Can **Local Governments** Use Cutting the Green Tape Tools?

Understanding how new tools have been developed to aid in the permitting of environmental restoration projects, with an emphasis on how those tools relate to the California Environmental Policy Act (CEQA), the most common touch point for local municipalities.

Supporting local elected boards, councils, management, staff, and clerks, as they use these new tools with confidence.

What **Tools Are Available** to Use to Cut the Green Tape?

These tools expedite the permitting and compliance process for ecological restoration projects of all sizes, while ensuring that projects are designed and constructed in a manner that optimizes environmental benefits while minimizing potential impacts.

- **CEQA Streamlining and Exemptions** for environmental projects.
- **General Order for the Clean Water Act.** A new statewide general order providing for programmatic compliance with waste discharge requirements and Section 401 of the Clean Water Act through the Regional Water Quality Control Boards and the State Water Board.
- **Programmatic Biological Opinions.** Tools from [US Fish and Wildlife Service](#) and [NOAA Fisheries](#) to aid compliance with the federal Endangered Species Act (ESA).
- **California Endangered Species Act (CESA) and Fully Protected Species.** A number of new tools from [CDFW's Cutting Green](#) Tape program to aid compliance with laws.



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CEQA Compliance—Unique Tools for Locals to **Expedite Projects**

Three key tools that you might want to know more about and understand how you can utilize to expedite CEQA compliance for projects that result in significant environmental outcomes/benefits.

Categorical Exemption for Small Habitat Restoration Projects Section (14 CCR § 15333)

This exemption applies, with very limited exceptions, to all projects that have the primary goal of habitat restoration and a footprint of five acres or less. The Resources Agency is encouraging the widespread use of this tool to all projects that qualify. In the 15 years since this exemption was created, there have been no reported cases of litigation challenging its use.

Statutory Exemption for Restoration Projects (SERP)

This is a CEQA exemption for all projects, regardless of size, whose purpose is to restore, protect, or enhance native species or their habitat. The lead agency must obtain the concurrence of the director of CDFW. The process is spelled out on [CDFW's Cutting Green Tape website](#).

Statewide Restoration General Order (SRGO) Programmatic EIR (PEIR)

This PEIR was developed by the State Water Resources Control Board (SWRCB). A local agency can utilize this pre-approved CEQA document for their own restoration projects so long as they ensure their project qualifies, implement the required environmental protection measures, and file a notice with the State CEQA Clearinghouse. SWRCB strongly urges lead agencies to coordinate with their Regional Water Quality Control Boards on use of the General Order.

How Should Local Governments **Use Cutting the Green Tape?**

Lead Agencies. As the CEQA lead agency, these tools allow you to simplify your analysis process and utilize legally defensible Cutting Green Tape tools to significantly reduce project timelines, costs, and staff time while ensuring projects meet accepted CEQA compliance standards.

Responsible Agencies. Where your agency is a responsible agency and will be reviewing another agency's or applicant's CEQA analysis and determination, familiarity with these tools will make your review and CEQA compliance processes faster and less expensive, while avoiding unnecessary duplication of analysis and ensuring legally defensible results.

County Clerks. Understanding the filing processes will help avoid unnecessary confusion for lead agency and responsible agency staff as well for clerks. There are some unique processes related to use of the new SERP which requires a Notice of Exemption to be filed with the State Clearinghouse, not a county clerk, within 48 hours of project approval, and Notice of Determination filing procedures for the Statewide Restoration General Order PEIR.

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