



Midpeninsula Regional
Open Space District

R-14-74
Meeting 14-11
April 23, 2014

AGENDA ITEM 4

AGENDA ITEM

Resolution Supporting Assembly Bill 2193, Habitat Restoration and Enhancement Act

GENERAL MANAGER'S RECOMMENDATION

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Adopt a Resolution supporting Assembly Bill 2193, which would make substantive improvements to the permitting process for small-scale and voluntary ecosystem restoration projects.

SUMMARY

Assembly Bill 2193 (AB 2193) will create a transparent and streamlined process for the permitting of ecosystem restoration projects that are voluntary (i.e. not required for mitigation), small (less than 5 acres in total size) and environmentally beneficial. Each approved project must be shown to be consistent with state/federal species recovery plans or other scientifically accepted strategies for restoration. The District implements projects regularly in fulfillment of its mission that may fall within the guidelines of this legislation and therefore could result in project efficiencies for the District.

DISCUSSION

On February 20, 2014, Assembly Member Rich Gordon introduced Assembly Bill 2193, an act to create Chapter 6.5 to the California Fish and Game Code, which enacts the Habitat Restoration and Enhancement Act. This Act will create a streamlined permitting process for habitat restoration and enhancement projects focused on stream, fisheries, and pond restoration, including erosion control projects, pond maintenance projects, and livestock fencing projects.

AB 2193 would require the California State Department of Fish and Wildlife to approve projects that fit the habitat restoration and endangered species recovery objectives established in the Habitat Restoration and Enhancement Act. Projects must be voluntary (i.e. not required for mitigation), small (less than 5 acres in total size) and environmentally beneficial. AB 2193 will replace Lake and Streambed Alteration Agreements (Permits), one of the most common permits obtained by the District for stewardship and maintenance actions on District lands. Likewise, AB2193 will also replace Incidental Take Permits under the California Endangered Species Act, also a common permit required for District stewardship actions. AB2193 will streamline an

overly restrictive and burdensome regulatory process for habitat restoration and endangered species recovery actions, enabling the District to implement qualified projects more efficiently. For these reasons, the General Manager is recommending that the Board adopt the attached Resolution.

FISCAL IMPACT

If AB 2193 is passed, the transactional costs related to conducting small scale restoration projects should decrease by a presently unquantifiable amount, due to the streamlined permitting process.

BOARD COMMITTEE REVIEW

This time sensitive item is being brought to the full Board for consideration, in lieu of first bringing it to committee. Assemblyperson Gordon's staff will make a brief presentation at the Board meeting.

PUBLIC NOTICE

Notice has been provided as required by the Brown Act. No additional notice is required.

CEQA COMPLIANCE

The proposed action is not a project under the California Environmental Quality Act (CEQA) and no environmental review is required.

NEXT STEP

The bill passed through the Water, Parks, and Wildlife Committee on April 8, 2014 with bipartisan support and will next be heard by the Assembly Appropriations Committee. If approved by the Board, the Resolution of Support will be submitted to Assembly Member Rich Gordon.

Attachment

1. Resolution in Support of Assembly Bill 2193

Reviewed and prepared by:
Kirk Lenington, Natural Resources Manager

RESOLUTION NO. 14-___

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT
IN SUPPORT OF ASSEMBLY BILL 2193**

WHEREAS, the Board of Directors (Board) of the Midpeninsula Regional Open Space District (District) considers the restoration, enhancement, and stewardship of its open space as a critical core function that is vital to the quality of life of San Francisco Peninsula residents; and,

WHEREAS, Assembly Bill 2193 (AB 2193) was introduced by Assembly Member Rich Gordon on February 20, 2014 to make substantive improvements to the permitting process for small-scale and voluntary ecosystem restoration projects; and,

WHEREAS, AB 2193 would create a transparent and straightforward process for the permitting of ecosystem restoration projects that are voluntary (i.e. not required for mitigation), small (less than 5 acres in total size) and environmentally beneficial. Each approved project must be shown to be consistent with state/federal species recovery plans or other scientifically accepted strategies for restoration; and,

WHEREAS, the District has a mission to protect and restore the natural environment and a long history of managing its lands for the benefit of rare, threatened, and endangered species; and,

WHEREAS, AB 2193 provides a streamlined permitting process for habitat restoration and enhancement projects focused on stream, fisheries, and pond restoration, including erosion control projects, pond maintenance projects, and livestock fencing projects; and,

WHEREAS, AB 2193 will benefit all current and future San Francisco Peninsula residents who will enjoy a faster pace of habitat restoration efforts across the state;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Midpeninsula Regional Open Space District supports Assembly Bill 2193.

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on April 23, 2014, at a Regular Meeting thereof, by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

ATTEST:

APPROVED:

Secretary
Board of Directors

President
Board of Directors

APPROVED AS TO FORM:

General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

District Clerk