

Plan B – If DFW says “no” to #1 & #2 requested amendments.

-or-

Add a new Section 2081.2(c)(2) to read: “For a project, regardless of the estimated project cost, that is any one of the activities listed in subsection (A), the department shall assess either of the amounts specified in subsection (B).

(A) Activities applicable to this subsection are:

(i) Activities undertaken to operate, maintain, repair or restore existing publicly owned infrastructure.

(ii) Activities that are already regulated under Section 1602.

(B) The amounts applicable to this section are:

(i) Seven thousand five hundred dollars (\$7,500).

(ii) Six thousand dollars (\$6,000) if the project uses a department approved conservation or mitigation bank or area to fulfill obligations pursuant to this article.”

Note: *Renumber the subsequent subsections under 2080.2(c) accordingly.*

Comment: Environmental harm, including that to endangered species, will result if public infrastructure isn't operated and kept functional; therefore, O&M activities of existing public infrastructure should not be subject to the higher fee. In addition, substantial increases in Lake/Streambed Alteration Agreement (LSAA) fees are currently being proposed by means of a revision in Title 14 of the California Code of Regulations. A lot of leg work to address CESA issues will already be done during the LSAA process, so the CESA fees for projects already getting LSAA's should be lower than for projects where CESA is the only reason CDFW has a regulatory role in the project.”