

6 RCIS Implementation, Monitoring, and Adaptive Management

This chapter describes approaches to implementing the RCIS (Section 6.1), identifies the monitoring and adaptive management framework (Section 6.2), and describes the specific methods to monitor progress toward achieving the goals and objectives (Section 6.3). It then outlines methods to maintain the RCIS through updates, extensions, and amendments (Section 6.4).

6.1 Implementation

The RCIS is a voluntary, non-binding guidance document that aims to increase conservation investments and direct those investments to where they can be most beneficial to achieving biodiversity conservation goals within Santa Cruz County and the broader region. Implementation of the RCIS is not the purview or responsibility of any one entity; rather, the strategy will be implemented through the actions of many agencies, organizations, and individuals seeking to conduct conservation projects through a variety of mechanisms. Coordinated implementation of the RCIS can enhance effectiveness of the strategy at achieving its goals.

6.1.1 Implementation Approaches

The RCIS outlines many different types of actions to achieve conservation goals and objectives, including habitat protection, creation, restoration, and enhancement, which includes methods to promote habitat connectivity, enhance water quality, and increase water quantity. It also identifies incentives and assistance programs that support land stewardship and education programs. For each action, the RCIS identifies priorities that specify where or how to implement the action to achieve the greatest benefit.

Entities that could implement the RCIS in Santa Cruz County are diverse and include: conservation agencies, organizations, and non-profits; tribes and tribal organizations; local, state, and federal resource agencies; state and local and parks departments; public infrastructure agencies in the transportation, water, and other sectors, as well as public works departments and environmental health departments; other public and private landowners, including private individuals, and many others. These entities differ in roles, missions, and mandates as it relates to conservation and work in different capacities.

For this reason, the RCIS does not endeavor to prioritize between actions within a conservation element, or actions between conservation elements. Instead, implementers of this RCIS can use it to inform their work including project identification and selection processes to both guide and justify allocation of effort and resources. Project proponents can elect to develop projects based on the actions and priorities that align with that entity's particular policies, programs, or ways of working, as well as the specific goals of their project.

For example, land trusts and other non-profit organizations might use the RCIS as a tool to guide land acquisition and stewardship strategies on protected lands. The RCD and other technical assistance providers could use the RCIS to focus outreach and planning efforts, working with private and public landowners to identify and advance priority habitat restoration and enhancement projects. Public land managers might identify preservation or stewardship needs on lands that they manage that align with RCIS priorities which could provide win-win mitigation opportunities. Resource agencies can use the RCIS to inform selection of projects to implement including through grants and accepting mitigation.

6.1.2 Coordination and Collaboration

Implementation of the RCIS should leverage and expand coordination amongst various proponents including conservation partners, mitigating entities, resource agencies, transportation agencies, funders, decision-makers, and stakeholders. The following are some existing collaboratives that can facilitate implementation of the RCIS:

- **The Integrated Watershed Restoration Program (IWRP):** technical advisory committees and working groups of IWRP, facilitated by the RCD, are well positioned to identify and advance specific projects that support RCIS goals, objectives, and priority actions. Additional working groups could form around natural communities or other conservation elements that have not historically been active within IWRP, such as sandhills, karst caves, and habitat connectivity.
- **The Integrated Regional Water Management planning groups and Sustainable Groundwater Management Planning processes:** these groups could help identify and advance multi-benefit water resource projects including those that protect and enhance surface-groundwater interactions;
- **The Santa Cruz County Early Mitigation Partnership MOU group:** convened by the RCD and RTC, this collaborative between transportation and resource conservation agencies can be utilized for early identification of conservation opportunities that are aligned with mitigation needs.
- **The Living Landscape Initiative:** a collaboration of five land trusts working in Santa Cruz County [Land Trust of Santa Cruz County, The Nature Conservancy, Peninsula Open Space Trust (POST), Save the Redwoods League and Sempervirens Fund], to create and maintain vibrant and sustainable natural lands in the heart of coastal California.
- **The Santa Cruz Mountains Stewardship Network:** a region-wide and cross-sector collaboration of 21 organizations including local, state, and federal agencies, nonprofits, academia, business, community, and tribal groups, which manage 250,000 acres in the Santa Cruz Mountain and are committed to practicing effective stewardship on their own lands and coordinating their efforts with other land stewards to enhance stewardship on a regional level.
- **Santa Cruz County Weed Management Area:** A collaborative project to combat the destructive effects of non-native invasive plants on wildlands, parks, and farms.

Additional, focused working groups, and new collaborations could be forged to specifically implement the RCIS. Existing working groups that focus on amphibian recovery, coho salmon recovery, tidewater goby recovery, instream flow augmentation, and specific areas of conservation interest such as the Watsonville Sloughs can play a key role in advancing RCIS actions and priorities. This RCIS anticipates these existing groups and new groups playing key roles in advancing the myriad recommendations within this RCIS. These types of working groups are recommended to develop site-specific actions to implement many recovery plans (Section 2.3.1).

To enhance regional conservation, collaboratives seeking to coordinate implementation of the RCIS should coordinate with entities involved in carrying out RCISs for Santa Clara and Monterey counties. Such coordination will be especially critical to implementing strategies that cross RCIS Area boundaries, including:

- Maintaining landscape connectivity between the Santa Cruz Mountains and the adjacent Gabilan range and Diablo range mountains, where landscape linkages run through the three counties (as well as adjoining portions of San Benito County);
- Protecting, restoring, and enhancing riparian and riverine habitat and associated watershed lands in the Pajaro River Watershed; and
- Conserving narrowly endemic species that straddle counties, such as Santa Cruz long-toed salamander.

To coordinate between RCIS regions, working groups comprised of individuals implementing each RCIS Area should be formed and meet at appropriate intervals (e.g., annually) to discuss implementation of common strategies between the adjacent counties.

6.1.3 Resources for Implementation

The RCIS actions can be funded through a variety of existing mechanisms, including mitigation, government grants and other public funds, private philanthropy, and tax incentives (e.g., for conservation easements). In addition, organizations implementing the RCIS could evaluate developing new funding programs to accelerate the pace and scale of implementation.

6.1.3.1 Grants and other Conservation Investments

The strategies in this RCIS can be implemented through conservation investments, including public and private grants, and conservation finance programs, such as local funding measures. Public agencies and private foundations seeking to invest in biodiversity and related conservation can use the RCIS as a screening tool for their grant making. Existing grant programs administered by the United States Fish and Wildlife Service, NOAA's Restoration Center, Wildlife Conservation Board, State Coastal Conservancy, California Department of Conservation, and Regional Water Quality Control Board, among other state and federal agencies, as well as funding programs provided by a host of private foundations, could prioritize

projects for funding that are identified in the RCIS or will otherwise achieve the goals and objectives of the RCIS.

These and other funders could also develop new funding programs dedicated to implementing the strategies in this RCIS and perhaps other approved RCISs. Such programs could be similar to the Department of Water Resources funding programs dedicated to implementation of Integrated Regional Water Management Plans. Dedicated state funding to implement RCISs could greatly enhance the ability of Santa Cruz County to contribute to California's statewide goal to conserve 30% of California land by 2030.

The RCIS, combined with the other local, community-supported conservation plans (e.g., Mackenzie et al. 2011, Schmidt et al. 2015), provides a strong foundation for building community and political support for local funding measures. Such a dedicated and sustained source of local conservation funding could be used to match state, federal, and private funding and greatly enhance the ability of conservation agencies and organizations working in the region to achieve the goals and objectives of the RCIS.

6.1.3.2 Mitigation

Mitigation can also be used to implement the RCIS, including through several existing mitigation tools: mitigation credit agreements, conservation banks, in-lieu-fee programs, and project-specific (permittee-responsible) mitigation. These programs, as well as perhaps new mitigation tools, could all facilitate achievement of the goals and objectives of the RCIS by implementing priority actions for the conservation strategy. The RCIS can be used:

- to site mitigation, by helping identify the lands that should be protected, restored, enhanced, or created (in the case of ponds and wetlands);
- identify quantitative objectives for mitigation projects; and
- inform long-term management and adaptive management plans for mitigation sites and protections, by identifying the pressures and stressors to species, communities, and other conservation elements, and identifying strategies to address them as well as maximize their resiliency to climate change.

The following sections briefly describe the mitigation mechanisms and their application to the RCIS. Mitigation for permanent and temporary impacts to wetlands, non-wetland waters, species, and upland habitats can be required by an array of state, federal and local regulatory agencies. Some of these agencies have overlapping jurisdictions; for example, the Army Corps of Engineers (Corps), Regional Water Quality Control Boards, and California Department of Fish and Wildlife all regulate rivers, streams, and certain types of wetlands. The various regulatory agencies differ in their mitigation requirements and approaches to mitigation. Whereas the Corps utilizes the 2008 Compensatory Mitigation for Losses of Aquatic Resources Rule (33 CFR, Part 332) and the Central Coast Regional Water Quality Control Board follows the 2021 State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State, other agencies have more fluid guidance for project specific impacts to natural resources.

The Corps, State and Regional Water Boards, USFWS, NOAA, and CDFW all also have rules and guidance related to programmatic impacts and related programmatic mitigation mechanisms, which incorporate mitigation measures. These include Regional General Permits, HCPs, and NCCPs. The Corps, USFWS, NOAA, and CDFW also have established regulatory framework for establishing mitigation credits (or similar), which makes high quality mitigation available for consideration for use to offset impacts through a project's permitting and technical assistance processes. These include mitigation/conservation banks, in-lieu fee programs, and mitigation credit agreements. Natural resource regulatory agencies, including the California Coastal Commission, may be authorized to participate in and approve credits through all of the mechanisms or only a few. While each agency approaches mitigation slightly differently, there are a few guiding principles that are common across nearly all of the regulatory agencies and these include: the desire for mitigation sites to be in close proximity to the impact site; for mitigation sites to provide similar habitat characteristics to the areas impacted; and for mitigation to fully compensate for both temporary and permanent impacts.

6.1.3.2.1 Conservation and Mitigation Banks

The RCIS can be implemented through establishment of conservation or mitigation banks. Conservation banks are lands that are conserved and permanently managed for species that are endangered, threatened, candidates for listing, or are otherwise species-at-risk under the federal or state endangered species act (ESA and/or CESA). Mitigation banks are wetland, stream, or other aquatic resource areas that have been restored, established, enhanced, or (in certain circumstances) preserved for the purpose of providing compensation for unavoidable impacts to aquatic resources permitted under Section 404 of the Clean Water Act or a similar state or local aquatic resource regulation. In exchange for permanently protecting, restoring, and/or enhancing habitat for the listed species and and/or aquatic resources, the regulatory agencies that approve conservation and mitigation banks issue to the bank sponsor a specified number of mitigation credits. Bank sponsors can then sell the credits and transfer their offset value to project proponents who need to compensate for the unavoidable adverse impacts or otherwise mitigate their project impacts.

The RCIS Area features a single conservation bank located inside its boundary, which includes portions of the service area for three additional conservation banks as well as one mitigation bank (Section 2.2.6). These existing banks can provide mitigation for jurisdictional waters and eight listed species and two additional rare species in the region (Table 2-4; Section 2.2.6). Future conservation and mitigation banks could be established within the RCIS Area by implementing the conservation and habitat enhancement actions identified in the RCIS; doing so would meet additional mitigation needs while helping implement the conservation strategies. For example, mitigation banks could be created for riparian and riverine areas, grasslands, and other systems that are often impacted by public and private projects including infrastructure projects in the RCIS Area.

6.1.3.2.2 In-Lieu-Fee Programs

Under an in-lieu-fee program (ILFP), mitigation sponsors collect funds from permittees in lieu of buying credits in a mitigation or conservation bank, or providing permittee-responsible mitigation; the mitigation sponsor uses the funds pooled from multiple permittees to implement actions after impacts have occurred. These actions are often restoration, enhancement, and creation of habitat, but can also include habitat protection, applied research, and other suitable mitigation actions as determined by the regulatory agency or agencies that authorized the agreement with the ILFP sponsor, which is typically a public or non-profit natural resource management entity.

The RCD has an approved ILFP agreement with the US Fish and Wildlife Service to satisfy compensatory mitigation requirements for temporary and permanent impacts to Santa Cruz long-toed salamander, California red-legged frog, and tidewater goby (RCD 2019a). This ILFP can advance implementation of RCIS priority actions in support of these species and their associated communities; it could also be expanded to include additional FWS and NMFS species and communities, and wetlands and waters under the jurisdiction of the Corps. In addition, future ILFPs could be developed by program sponsors in the RCIS Area.

6.1.3.2.3 Mitigation Credit Agreements

A mitigation credit agreement (MCA) is an agreement developed in collaboration with CDFW to create mitigation credits by implementing the conservation or habitat enhancement actions identified within an approved RCIS. With the approval of CDFW, credits generated through MCAs can be used as compensatory mitigation for impacts under the California Environmental Quality Act (CEQA), the California Endangered Species Act (CESA), and the Lake and Streambed Alteration Program (LSA). Once credits have been approved, they can be used, sold, or otherwise transferred. Additional resource agencies could potentially elect to have credits generated through MCAs be applicable to compensatory mitigation needs under other local, state, or federal regulations.

The guidelines for development of MCA credits are currently being developed. Following approval of the RCIS and the CDFW MCA guidelines, proponents of projects can use the MCA program to receive mitigation credit by implementing conservation actions and enhancement actions identified in this RCIS.

Though part of CDFW's RCIS program, MCAs can ideally be developed in a manner that enables other natural resource regulatory agencies to approve the creation and/or use of credits as mitigation for resources under their jurisdiction. For example, an MCA to restore riparian habitat in the coastal zone could be used to offset the impacts of projects regulated by the Regional Water Quality Control Board and the California Coastal Commission, as well as CDFW.

6.1.3.2.4 Project-Specific/Permittee Responsible Mitigation

The RCIS can also be used to inform project-specific (or permittee-responsible) mitigation—projects that protect, restore, enhance, establish, or create, or otherwise benefit species or aquatic resources to compensate for unavoidable impacts to the resources as part of a specific project/permitting process. Such mitigation can be done on-site (where the project impacts occur) or at an off-site location. The RCIS conservation strategies can help maximize the regional benefit of such individual mitigation projects, by helping project proponents site, design, evaluate, and otherwise implement permittee-responsible mitigation that can benefit the regional strategies.

6.1.3.3 Overcoming Other Barriers to Implementation

In addition to overcoming funding limitations, steps should be taken to address additional barriers that could limit implementation of the strategies in the RCIS by landowners. These steps can include:

1. Facilitating permitting processes to reduce the time and costs to obtain permits for restoration and management;
2. Addressing barriers created by liability issues;
3. Increasing the availability of skilled labor and knowledge to implement projects;
4. Addressing financial impacts of conservation and management to working land owners including loss of productivity and profitability when conservation projects are not fully compatible with other land uses (e.g., for working lands).

The RCIS provides robust justification and incentive for addressing these additional barriers, and the process for developing and implementing the RCIS should strengthen relationships leading to more collaborative and creative solutions. The implementing partners, together with stakeholders, natural resource regulatory agencies, funders, and decision makers, should continue to work together to address these barriers. This work can be facilitated by broader efforts conducted as part of “Cutting Green Tape”—a statewide initiative focused on improving interagency coordination, partnerships and agency processes and policies to allow ecological restoration and stewardship to occur more quickly, simply, and cost-effectively (California Landscape Stewardship Network 2020).

6.1.4 Achieving Multiple Objectives

Where possible, efforts should be made achieve multiple goals and objectives for the conservation elements. Such multiple-benefit projects can protect, restore, and/or manage land that benefits two or more of the conservation elements including focal species, non-focal species, natural communities, and other conservation elements, as well as other co-benefited species. For example, a habitat restoration project to eradicate exotic plants along a coho salmon and steelhead stream and adjacent oak woodlands could promote goals and objectives for these conservation elements (coho salmon, riparian and riverine, and oak woodland),

benefit additional focal and non-focal species (e.g., California red-legged frog and Southwestern pond turtle), and restore habitat that is important for bats, mountain lions, and habitat connectivity (i.e., within an aquatic and/or terrestrial linkage). The maps and spatial database used to develop the RCIS can help site projects in areas that can achieve multiple objectives of the RCIS to enhance cost effectiveness of implementation.

Some restoration and enhancement actions have the potential to negatively impact biological systems and species and other natural resources if the actions are not carefully designed and implemented. For example, vegetation management conducted to simulate the beneficial effects of fire and create early successional conditions created and maintained through natural disturbance regimes (Section 4.6) have the potential to impact species adapted to later-successional conditions and affect water quality and beneficial uses of water by promoting erosion and sedimentation. For this reason, restoration and enhancement actions should be implemented following carefully developed plans that address such potential impacts.

6.2 Monitoring and Adaptive Management Strategy

Monitoring and adaptive management are designed to ensure that the conservation actions and habitat enhancement actions achieve the RCIS goals and objectives. In the adaptive management framework, monitoring is used to evaluate whether an action (or strategy) is achieving the goals and objectives; if not, the results of monitoring are used to inform adjustments to the action. Adaptive management processes can also enhance long-term effectiveness by integrating scientific information that is newly developed during the course of management.

Mitigation credit agreements implemented under the RCIS will be required to include a monitoring and adaptive management plan developed based on the CDFW adaptive management and monitoring plan template for MCAs (CDFW 2018), which is currently being developed as part of the CDFW MCA guidelines.

The following are guidelines for adaptive management and monitoring plans developed for MCAs under this RCIS.

1. Specific goals and objectives for the action, that are consistent with the goals and objectives for the conservation strategy in the RCIS;
2. A description of the specific strategies that will be used to achieve the goals and objectives;
3. Performance standards for evaluating the effectiveness of the action, which should utilize one or more of the metrics identified for this RCIS in order to facilitate reporting and tracking (Section 6.3.1);
4. Monitoring protocols to accurately and reliably measure the status of the action toward achieving the performance standards; and

5. Elements of a framework for adjusting the action, as needed and where feasible including by implementing remedial actions, based on the results of monitoring and also other relevant scientific information, to enhance its effectiveness at achieving the goals and objectives.

Ultimately, CDFW will review and approve MCAs including the adaptive management and monitoring plans. Other natural resource regulatory agencies' monitoring and adaptive management requirements should also be addressed to facilitate their use/approval of credits created through the MCA.

To the extent feasible, proponents of non-MCA projects implementing the actions in this RCIS should develop and implement similar adaptive management and monitoring plans.

6.3 Evaluating Progress Toward the Goals and Objectives

Overall effectiveness of the conservation actions and habitat enhancement actions at achieving the goals and objectives for the conservation elements will also be evaluated, including by assessing the extent to which they offset the effects of identified pressures and stressors. This monitoring and reporting will be implemented by the RTC, as the RCIS proponent, unless and until the RTC transfers the requirement to another entity, as outlined in Section 6.3 of the RCIS Guidelines (CDFW 2018). This section identifies the metrics that will be used, and outlines the contents and process for preparing the reports, which are requisite to extending the RCIS every 10 years (CDFW 2018).

6.3.1 RCIS Metrics

Measurable objectives in this RCIS include metrics for tracking progress towards achieving the goals and objectives of the RCIS. In describing objectives, metrics are provided with the intent of measuring, in a consistent way, the net change, from habitat restoration actions, on the habitat area and habitat quality. When implementing conservation actions and habitat enhancement actions that include habitat restoration, an MCA Sponsor shall select, and submit for CDFW's approval, an appropriate metric(s) from the metrics indicated in this RCIS to measure the net change in habitat area and habitat quality.

If the MCA Sponsor determines that an alternative metric, not listed in this RCIS, is more fitting for an action or objective, the MCA Sponsor may make a written request to the RCIS Proponent and CDFW to consider approving that alternative metric instead of, or in addition to, one or more metrics in this RCIS. CDFW will consider the proposed alternative metric and the RCIS Proponent's recommendation, if any, when determining whether to approve the alternative metric.

Once a metric(s) is designated and approved, it must be used for both the baseline and subsequent measurements of habitat area and habitat quality. If an approved metric turns out to be faulty or problematic, the MCA Sponsor may make a written request to the RCIS Proponent and CDFW to consider approving a different metric instead of, or in addition to, the approved metric(s), as set forth above. The determination to approve will be based, in part, on

whether that new metric can be compared with the original baseline data in a reasonable way to compare the change in habitat area or habitat quality, as applicable.

MCA sponsors will report on relevant RCIS metrics for corresponding conservation actions and habitat enhancement actions implemented through an MCA. MCA sponsors may include additional measures and performance standards for assessing habitat quality in an MCA, consistent with the MCA Guidelines and with approval by CDFW.

The following metrics are acceptable in this RCIS for measuring the net change in habitat area and habitat quality resulting from habitat restoration actions:

- Acreage
- Linear feet
- Vigor index (health of plant on scale of 1-4)
- Percent cover (native vs. nonnative species)
- Native species diversity
- Number of individuals
- Number of populations
- Gene pool / genetic diversity
- Evidence of presence and abundance (presence/absence, number of nests, calls, scat, etc.)
- Habitat structure (number of canopy layers; percent cover; snags, etc.)
- Distribution of key resources (e.g., nesting trees, ponds, host plants) (number per acre)
- Inundation duration (consecutive days)
- Water depth (feet)
- Stream flow (cubic feet per second)
- Water temperature and chemical composition (dissolved oxygen, etc.)
- Stream substrate composition (percent cover; gravel size; etc.)
- Stream characterization (pool, riffle, run; length and width)

6.3.2 RCIS Reporting

A report will be submitted to CDFW at the end of the ten-year term of the RCIS (i.e., 10 years following its approval) or as part of a request to CDFW to renew the RCIS (CDFW 2018). The report will document the status of implementation of the RCIS and will contain the following:

- progress of conservation and habitat enhancement actions in achieving the RCIS' goals and objectives;
- The net change in selected metrics for the focal species and other conservation elements, including a summary of the progress of all MCAs in the RCIS Area based on readily available MCA information, which is assumed to be provided by CDFW directly or via a website; and
- A summary of other readily available information on conservation and/or habitat enhancement actions undertaken in the RCIS Area during the 10-year interval.

The report will be developed based on a summary of the progress of all MCAs in the RCIS Area based on readily available MCA information. To the extent feasible the RCIS report will also include a summary of other readily available information on conservation and/or habitat enhancement actions undertaken in the RCIS Area. For example, updates to the databases for California Protected Areas and California Conservation Easement (GIN 2021) could be used to identify new land protection projects, while restoration projects could be tracked through outreach to agencies and organizations and integrating information available through databases that document restoration, enhancement, and management in the RCIS Area. As resources allow, the RTC and RCD could develop and maintain a database to document implementation of projects in the RCIS Area.

6.4 Updating, Extending, and Amending the RCIS

The RCIS has a 10-year term, after which new MCAs cannot be approved by CDFW unless the RCIS term is extended. The RCIS can be updated during that term, to reflect new scientific information. It can also be amended to make other types of changes to the document. The following sections summarize the processes for these changes, per the current RCIS guidelines (CDFW 2018).

6.4.1 Extending and Updating the RCIS

This RCIS has a 10-year term that begins within its approval date. After that period, CDFW cannot authorize new MCAs unless the RCIS term is extended. The term can be extended by CDFW for an additional period of up to 10 years provided the scientific information has been updated and the progress evaluation report has been submitted to CDFW.

The RTC and RCD, with support and input from the RCIS Steering Committee, Technical Advisory Committee, and Stakeholder Committee, will facilitate a 10-year evaluation of the RCIS, including assessment of its utilization for MCA creation and other conservation benefits. If the RCIS is fulfilling its intended value, and pending availability of necessary resources, the RTC and/or RCD, or other entity designated by the RTC, will complete the 10-year update of the RCIS.

The scientific information and data in this RCIS can be updated anytime during the 10-year term (CDFW 2018). A data update can occur through submission of new spatial data or minor

changes to numbers or text in the document. It does not include updates or amendments to the geographic area, focal species, or other conservation elements.

Future updates to the RCIS will evaluate use of the fine-scale vegetation map for the Santa Cruz Mountains bioregion, which was being developed during the planning period for this RCIS and is anticipated to be completed in 2023 (Section 2.4.5). Updates will also address other new scientific information relevant to the conservation elements, including scientific literature, recovery plans, five-year reviews, and new conservation plans.

6.4.2 Amending the RCIS

Changes to the RCIS within the 10-year term that go beyond updating scientific information require an amendment process as described in California Fish and Game Code 1854(a). Minor changes to the document (beyond data updates) are regarded as simple amendments, while substantive changes to the document such as changes to the geographic boundary (i.e., the RCIS Area) or adding or removing focal species or other conservation elements, are referred to as complex amendments; the latter are subject to the same noticing, review, and approval processes required for RCISs (CDFW 2018). Amendments can be submitted by the original RCIS proponent (i.e., RTC in this RCIS) or a third-party public agency, provided that the original proponent declines to amend the RCIS. The RCIS can also be amended by CDFW.