

Dead Wood Working Group
Longer-Term Solutions Subcommittee Meeting Summary

Date: April 26, 2011

Attendees: Bill Snyder, CAL FIRE
Jonathan Ambrose, NMFS
Jonathan Warmerdam, NCRWQCB
Tom Spittler, CGS
Jennifer Carah, The Nature Conservancy
Jim Burke, NCRWQCB
Pete Cafferata, CAL FIRE
Steve Smith, NRCS (conference line)
Jim Robins, *Alnus* Ecological (conference line)
Dennis Hall, CAL FIRE (conference line)

The Longer-Term Solutions Subcommittee was formed at the last Dead Wood Working Group (DWWG) meeting held on March 23, 2011 to explore possible agency level approaches to streamline the permitting process for inputting large wood in stream channels.

Handouts for the meeting included:

Bill Snyder's Summary of Potential for Small Instream Enhancement Projects Utilizing CAL FIRE Programs and Permitting Authority
CA Salmonid Stream Habitat Restoration Manual—Examples of LWD Project Types
CAL FIRE Blank CEQA Notice of Exemption
CAL FIRE Blank CEQA Environmental Review Checklist
Dave Wright's North Fork Usal Creek Instream Habitat Enhancement Project Grant Proposal Summary Sheet
SDSF Large Wood Placement Project CEQA Notice of Exemption
SDSF Large Wood and Habitat Complexity Project Permit Update Summary
SDSF Large Wood Placement Project Site Map
NOAA Letter to US Army Corps of Engineers dated June 21, 2006
NOAA Fisheries BO Requirements Summary Table
NOAA Fisheries BO Checklist
USACE Nationwide Permit 27 Statement
Jonathan Warmerdam's Section 401 of the Clean Water Act Summary
General 401 Water Quality Certification Order for Small Habitat Restoration Projects
Jennifer Carah's White Paper Draft Outline
Jim Robins's 2004 Appendix B—Regulatory Authorities, Permit Triggers, and Permitting Processes

Bill Snyder briefly covered his summary of project types covered by the NOAA 2006 Programmatic BO, as well as potential CAL FIRE programs and other processes that could be used for small instream habitat enhancement projects (including CFIP, Cat Ex,

NRCS's EQIP/WHIP). All of these approaches are outside the THP process. Bill suggested that it would be appropriate to have one application process that would work for all the reviewing agencies for projects that fit under the CEQA Cat Ex category requirements (e.g., small size). Such an application could come to CAL FIRE for initial review and then be sent to the other agencies. The main benefits to this approach would be that: (1) CEQA coverage for resources such as archaeology and botany could be obtained with CAL FIRE's CEQA checklist, and (2) landowners would not have to apply to multiple agencies. Jim Robins stated that it would be very difficult to get the USACE to change their project review guidelines and that the focus should be for state agency review. Jim also added that: (1) the amount of review required varies dramatically depending on the type of project proposed (i.e., simple felling of riparian conifer trees vs. dewatering and construction of log-vanes in the channel), and (2) it is important to consider other similar processes already being developed so that we "do not reinvent the wheel."

Specifically, Jim Robins suggested working with Bill Craven, Chief Consultant for the Senate Natural Resources and Water Committee, on the process initiated at an integrated resource management summit held in October 2010 for developing a permit process for DFG, the Coastal Commission, and others that would parallel the SWRCB's NOI process for projects covered under the CEQA small habitat restoration Cat Ex. This process would refine language defining a CEQA exemption and have one NOI. Jonathan Warmerdam also suggested reviewing the Mendocino County RCD's coordinated permit application process prior to moving forward.

There was discussion regarding the types of activities that should be included under a unified permit application. It was determined that there are three main types of projects. Tom Spittler developed the following summary of these types following the meeting:

In most circumstances the placement of large wood into anadromous salmonid watercourses will result in increased stream complexities and improvements in habitat structure. The potential for adverse environmental impacts related to wood placement is a function of how and from where the wood is recruited, what equipment will be used in placing the wood, and whether or not channel or bank excavations or channel dewatering will be required.

Three methods are generally used to place wood in a watercourse:

- 1. Directionally felling riparian trees into a watercourse channel.*
- 2. Skidding and mechanically placing trees that were already down or harvested from another area into a watercourse channel.*
- 3. Installing an engineered wood structure that requires excavating a watercourse channel or bank and involves dewatering the channel when flow is present.*

Directionally felling trees uses chainsaws, and sometimes jacks and/or winches. This results in very minor ground disturbance, since no heavy equipment operates in the riparian zone. The potential for adverse impacts to archeological sites or rare plant or animals is low. This is the least expensive option, but it only is appropriate

where there are abundant trees that are adequately sized for the watercourse's bankfull width and potential streampower to resist displacement. This approach may not be adequate for larger watersheds with high flow volumes or where large riparian conifer trees are sparse.

Skidding and mechanically placing trees from another area involves heavy equipment in the riparian zone but not in the stream channel. This requires the assessment of archeology and potential for rare plants and animals in the areas where ground disturbances will occur. This method has the potential for relatively low cost where there are not enough large trees within the riparian zone and adequately-sized trees are available elsewhere. Higher costs are associated with longer transport distances and excavation of tree lengths with rootwads attached. As with directional felling trees into a watercourse, this method may not be adequate for larger watersheds with high flow volumes.

Installing engineered wood structures that require excavations into a watercourse bed or bank and that typically involve dewatering channels is the most expensive approach for placing large wood in a stream channel, particularly when the wood must be transported to the construction site. This approach has the highest potential for affecting the fluvial and riparian environments. It is also the method with the highest likelihood of success for channels that have high stream power.

The group agreed that the third approach using engineered structures and dewatering would require a more extensive review than the first two approaches (particularly for federal permits, where possible coverage under the NOAA BO is requested), but Jim Robins stated that a project involving grading and dewatering can still fit the CEQA Cat Ex classification (e.g., the SDSF large wood placement project).

Jon Ambrose said that the NOAA BO checklist is easy to use, but that the USFWS has no checklist and that their process is very time consuming (i.e., species other than fish can be a large bottleneck in the process). In contrast, the USACE's Nationwide Permit 27 was developed as a simplified way to address Clean Water Act requirements, and the Pre-Consultation Notice (PCN) can be relatively rapid. Jennifer Carah reiterated that species such as NSO, tidewater goby, California red-legged frog (CRLF), and Point Arena mountain beaver are much more problematic to address than listed fish species, and that the Nationwide Permit 27 permit has not been a stumbling block. USFWS consultation is a 120 day process.

Tom Spittler stated that a simplified way to obtain a DFG 1600 LSAA permit is required, as specified in the letter authored by Jonathan Warmerdam and signed by CGS, CAL FIRE, NCRWQCB, and NOAA. [Kevin Shaffer, DFG, has invited Jonathan to give an overview presentation on the DWWG to the Coho Recovery Team on May 17th. Bill Snyder suggested that it would be appropriate to have representatives from each of the signatory agencies present at this meeting.] Jim Robins informed the group that he has previously developed a simplified 1600 form that is only 1.5 pages long that could be used as a template. The goal is to produce a Cat Ex LSAA agreement as part of a "common" application process. Jim Robins also suggested that it may be possible to

build off of the San Francisco Bay Area Joint Aquatic Resources Permit Application (JARPA) process (see: <http://www.sfestuary.org/projects/detail2.php?projectID=17>).

Bill Snyder summarized the items to consider when developing a common application form with a CEQA checklist for small habitat restoration projects:

- NOAA BO Checklist
- RWQCB 401 NOI application
- CAL FIRE CEQA Checklist
- Jim Robins DFG 1600 LSAA short form
- MCRCD coordinated permit application process
- NRCS Short Application Form for USACE Nationwide Permit 27

Bill Snyder stated that aligning the NOAA BO Checklist, RWQCB 401 NOI, and CAL FIRE CEQA Checklist should provide the core information for what we need. This application could then be provided to the USACE with a cover letter to obtain their permit. Further discussion with the USFWS is required by DWWG participants, since simple avoidance for species such as CRLF can not be used for large wood placement projects. **Bill Snyder and Jon Ambrose volunteered to complete this task. Contacts in the Sacramento office include Kate Simons and Kay Goode.** Jonathan Warmerdam stated that the goal is to develop a process that operates similar to that utilized by the DFG Fisheries Restoration Grant Program (FRGP).

Jim Robins informed the subcommittee that the Coastal Act and associated permits have been difficult to obtain, particularly from Sonoma County and counties to the south. Bill Snyder said that commercial timber harvest permits though CAL FIRE are exempt from Coastal Zone permits, and a BOF exemption process may be able to be developed for stream restoration projects (with no commercial use of felled logs). **There was also limited discussion of the National Historic Preservation Act, which may be able to be addressed with the CAL FIRE CEQA Checklist (Bill Snyder volunteered to discuss this with CAL FIRE's Allen Robertson).**

It was determined that a draft application form should be produced before the May 25th DWWG meeting. **Bill Snyder and Pete Cafferata agreed to produce a draft document that would be reviewed by subcommittee prior to May 25th by email and possibly a conference call.**

Next Full DWWG Meeting

The next full DWWG meeting is scheduled for May 25, 2011 in Santa Rosa (exact location TBD).