

Wood for Salmon Workgroup Meeting Summary

Date: May 25, 2011

Attendees: Bill Snyder, CAL FIRE
Jonathan Ambrose, NMFS
Jonathan Warmerdam, NCRWQCB
Tom Spittler, CGS
Patty Madigan, MCRCO
Jennifer Carah, The Nature Conservancy
Jason Pelletier, The Nature Conservancy
Pete Cafferata, CAL FIRE

Participating by conference line:

Dave Wright, Campbell Timberland Management
Greg Giusti, UCCE
Joe Pecharich, NOAA RC

Action items are shown in BOLD font

Discussion Items

This Wood for Salmon Workgroup (WFSW) meeting focused on: (1) the DFG response letter to the WFSW April 21st letter, (2) a summary and discussion regarding Jonathan Warmerdam's PowerPoint presentation to the Coho Recovery Team on May 17th, (3) review and discussion on how to improve the strawman consolidated permit application for non-FRGP projects, (4) an update on the WFWG white paper on the current permitting process, and (5) an update on Anadromous Salmonid Protection Rule Section V Pilot Projects Technical Advisory Committee (VTAC) activities.

1. Discussion Regarding the DFG Response Letter to WFSWG April 21st Letter

The group discussed the DFG letter dated May 11, 2011 sent in response to the WFSW April 21st letter requesting a revised DFG fee schedule for Lake and Streambed Alteration Agreements (LSAAs) issued for small habitat restoration projects. Bill Snyder characterized the letter as a positive response and stated that he spoke to DFG's Kevin Shaffer regarding this topic. Mr. Shaffer is interested in being engaged in this effort and stated that a revised "mini-FRGP" might be an option to allow landowners to more easily place large wood in stream channels. Jonathan Warmerdam stated that he is investigating whether NCRWQCB Cleanup and Abatement Order funds might be available to help fund mini-FRGP projects. Bill Snyder offered that there may be other possible funding sources, such as CFIP and Coastal Conservancy funds.

Jonathan Ambrose expressed his opinion that other options also need to be explored, since waiting 18 month for FRGP funding from DFG is too long in some cases. Jason Pelletier stated that Kevin Shaffer informed him that there are three main approaches to

investigate: (1) the “mini-FRGP” approach with additional funding, (2) an MOU signed across agencies for joint permitting coverage that has a geographical limitation (e.g., Mendocino Co.), and (3) redefinition of what a “project” is for a LSAA (1600 permit), so that one stream reach with several wood installations is one project (total permit cost of \$224). Bill Snyder stated that an MOU should not be necessary, however, and that the goal is to have a landowner submit one application, not four different applications to four agencies. Tom Spittler informed that group that all that is needed for smaller projects with short time lead times is a consolidated permit and a reduced DFG LSAA fee structure. Bill Snyder said he met with DFG’s Kevin Hunting and was informed that a fee structure modification would require a legislative change, since they are set by statute in F&G Code. Bill added that a regional approach using a consolidated permit and the CEQA Categorical Exemption process, supported by NOAA’s Biological Opinion (BO), is our short-term goal while other longer-term solutions (such as the Sustainable Conservation’s statewide permitting effort) move forward.

2. Summary of Jonathan Warmerdam’s PPT to the Coho Recovery Team

Jonathan Warmerdam provided the Coho Recovery Team with a PowerPoint presentation regarding WFSW efforts on May 17, 2011 in Rancho Cordova, at the request of DFG’s Kevin Shaffer. Jonathan stated that the presentation was well received by the group. The PowerPoint presentation will be posted on the Coho Recovery Team website in the near future at the following website: http://www.dfg.ca.gov/fish/Resources/Coho/CohoRecovTeam_Range.asp. The PPT covered: (1) eras of instream wood, (2) coho salmon status in California, and (3) Wood for Salmon Workgroup key findings (i.e., coordinate, streamline, incentivize for large wood placement projects). Bill Snyder was present at the meeting and explained how the workgroup was formed and the group’s current focus developing a multi-agency application using the CEQA Cat Ex exemption and relying on the existing NMFS BO.

3. Draft Consolidated Permit Application for Non-FRGP Project Revisions

Most of the meeting was spent discussing appropriate revisions needed for the draft consolidated permit application for non-FRGP projects developed by Bill Snyder. The Longer-Term Solutions Subcommittee of the WFSW met on April 26, 2011 and agreed to consolidate permit applications from the DFG LSAA, RWQCB 401 NOI, and NOAA BO Checklist into one document. Bill emailed the draft document to the WFSW on May 10th. This document would be used in conjunction with the CAL FIRE Notice of Exemption (NOE), the CAL FIRE CEQA Checklist (Environmental Review Report Form for an Exempt Project or ERRF), and the USACE Nationwide Permit 27 application (4345 form). Bill asked that the three main agencies (DFG, NOAA, and the RWQCB) with form consolidation determine how the strawman permit needs to be altered to meet their requirements. He stated that CAL FIRE could be the initial processor of the applications, possibly using CAL FIRE Service Foresters for this task. CAL FIRE could route the NOE and ERRF to the State Clearinghouse and distribute the consolidated form to the various agencies for their review.

Jonathan Warmerdam suggested that a new flowchart should be developed with timelines to illustrate this process. Also, it was agreed that a cover letter with detailed instructions will be needed for use with the consolidated form. Discussion on how to calculate up to 5 acres of disturbance will be provided in the instructions, along with a detailed diagram. Permanent and temporary impacts will also be explained in the instructions.

Jonathan Ambrose stated that the federal nexus will be with the USACE, since the NMFS BO requires Corps involvement. It is anticipated that the consolidated form, CEQA documentation, and USACE permit application would all be distributed to the agencies at the same time. Jennifer Carah pointed out an inconsistency in the current permitting process. She said that the Corps Nationwide 27 with the NMFS BO only authorizes projects for two year increments (an applicant can only receive 5 year coverage with an individual permit), while DFG LSAA applications can be made for 5 years. It was stated that a revised USACE RGP would simplify this process considerably and Bill Snyder suggested that we should reengage Dominic MacCormack to explore this possibility, but that the process could take 1-2 years.

Tom Spittler suggested that it may be beneficial to bifurcate the consolidated form into two versions—one for simple projects where the wood is felled or mechanically placed in the channel, and one where engineered structures are installed and the channel dewatered.

The group carefully considered each item on the draft consolidated agency form and made notes on needed changes for each entry. **It was decided to add footnotes to each main section of the form to denote where it originated from (or was adopted from). Bill Snyder volunteered to discuss archeology needs for state and federal permit applications with CAL FIRE's Dan Foster. Bill also suggested having a WFSW subcommittee meeting with the USFWS to discuss mechanisms to avoid triggering the need for a BO for listed terrestrial species. In summary, the following tasks were assigned:**

- **New title (Jonathan Warmerdam)**
- **Introductory language, purpose, agency permit coverage (Bill Snyder and Pete Cafferata)**
- **Section 4 modification (Bill Snyder and Pete Cafferata)**
- **Section 5F modification (Jonathan Warmerdam)**
- **Watershed context information needs, sources of information (Bill Snyder and Pete Cafferata)**
- **Section 6E—archeology modification (Bill Snyder and Pete Cafferata)**
- **Section 8 modification (Bill Snyder and Pete Cafferata)**
- **Section 9 modification (Jonathan Ambrose)**
- **Addition of a question addressing distance downstream to other landowners and structures that could be damaged by large wood (Bill Snyder, Pete Cafferata, Tom Spittler)**

It was agreed that a **Version 2 of the consolidated agency application form would be completed by June 8th**, prior to discussions with the USFWS. Pete Cafferata agreed to add DFG's Scott Downie to the WFSW email list. Bill Snyder agreed to initiate discussions with USFWS, DFG's Kevin Shaffer, and USACE's Dominic MacCormack. There was brief discussion on needed outreach to landowners and environmental groups.

4. Update on the WFSW White Paper on the Current Process

Jennifer Carah rapidly updated the group on progress made on the WFSW white paper documenting the current non-FRGP grant permit process being used by TNC/TCF in the Garcia River basin and CTM in Ten Mile River watershed. This is a straight forward guidance document illustrating how to get the work done this year and how the existing process works. **Jennifer has sent individual sections addressing permit requirements for individual agencies to representatives from these agencies for review. Comments are to be returned to her by June 3rd. The goal is to have a draft white paper available for review by the end of June.**

5. Update on Section V Technical Advisory Committee (VTAC) Activities

Pete Cafferata provided a brief update on Anadromous Salmonid Protection Rule Section V Pilot Projects Technical Advisory Committee (VTAC) activities. A draft paper titled "*The VTAC Committee: Developing Guidance for an Alternative Regulatory Pathway to the Anadromous Salmonid Protection Rules*" will be presented at the Redwood Forest Science Symposium at UC Santa Cruz on June 21-23, 2011. The paper summarizes VTAC efforts to date and scientific justification for active riparian management in appropriate locations. The abstract for the paper is posted at: <http://ucanr.org/sites/redwoodabstract/files/64986.pdf>.

The VTAC conducted an online survey to gain a better perspective on regulatory requirements that landowners may face when trying to implement an option V plan. To date, 123 people have responded, with approximately half being Registered Professional Foresters (RPFs). The primary take-home messages from the survey are that: (1) there is widespread agreement that site-based riparian management can be used where it is justified; (2) an increased level of certainty is required for extensive use of the Section V process; and (3) successful pilot projects are needed to demonstrate to landowners that this approach can work.

A modified Washington watershed analysis approach (WFPB 1997) is being used for a VTAC pilot projects guidelines document that will allow RPFs to determine if site-specific riparian management is appropriate for a given location. Both a "default design process" using a structured classification system for RPFs with training, and a more flexible "customized design process" requiring more data and expertise are available in the draft document. The initial version of the guidelines will be used for implementing Section V pilot projects that are undertaken in the summers of 2011 and 2012. Potential pilot project locations range from Santa Cruz County to Humboldt County in

the Coast Ranges, as well as in the Klamath Mountains and the Sierra Nevada. The list of potential pilot projects include the full range of desired objectives, including increasing large wood loading, promoting increased biotic diversity, reducing catastrophic wildfire risk, and accelerating conifer tree growth. Approximately 12 landowners have expressed some tentative interest in participating.

Bill Stevens, NMFS and part of the VTAC, informed the VTAC of a complication for site-specific riparian management in California watersheds relating to NMFS permitting for projects and risk of unauthorized incidental take or harm to federally listed salmonids under the Federal ESA. This concern relates primarily to stream disturbing activities, such as placement of large wood in a channel. The potential options for compliance with the federal ESA include: (1) conducting a THP that will not result in 'take', which is broadly defined to include destruction of habitat of federally listed salmonids (this could be accomplished by complying with NMFS's 1999 Draft Salmonid Conservation Measures for Forestry Activities for a Short-Term HCP), (2) conducting a THP via Section 7 of the ESA (requires a formal consultation between the agency and NMFS; results in a biological opinion (BO) within 135 days), (3) entering into a Safe Harbor Agreement (SHA), (4) developing a Habitat Conservation Plan (HCP), or (5) enrolling in a General Conservation Plan (GCP). Currently are not good pathways for individual THPs when dealing with the Federal ESA and listed anadromous salmonid fish species; landowners without an HCP generally are forced to use "acceptable risk" practices. The VTAC will explore with NMFS staff methods to address the Federal ESA requirements that will be productive when dealing with instream large wood placement projects as part of a THP.

Next WFSW Meeting

The next WFSW meeting was not scheduled. Discussions with DFG, USACE, and the USFWS will occur prior to scheduling our next meeting.