

Wood for Salmon Workgroup Meeting Summary

Date: November 17, 2011

Attendees: Bill Snyder, CAL FIRE
Jonathan Warmerdam, NCRWQCB
Tom Spittler, CGS
Michael Huyette, CGS
Patty Madigan, MCRCD
Dave Wright, CTM
Rick Macedo, DFG
Kathie Lowrey, PCI
Erik Schmidt, SC
Carol Mandel, NRCS
Janet Olave, MCRCD
Lisa Hulette, TNC
Steve Smith, NRCS
Pete Cafferata, CAL FIRE

Participating by Conference Line:
Jennifer Carah, TNC
Dr. Stephen Swales, DFG
Kevin Shaffer, DFG
Karen Carpio, DFG

Action items are shown in BOLD font and italicized

Discussion Items

This Wood for Salmon Workgroup (WFSW) meeting focused on: (1) an update on the draft consolidated permit application for non-Fisheries Restoration Grant Program (FRGP) projects; (2) an update on the draft WFSW white paper guidance document; (3) discussion of the DFG CEQA process to be used for non-FRGP large wood enhancement projects; (4) clarification on small restoration project size restrictions; (5) continued discussion on the Mendocino County RCD (MCRCD) Permit Coordination Program, including CEQA documentation; (6) discussion on the prospects of a “mini FRGP” process option and potential funding sources; (7) continued discussion of landowner outreach efforts; and (8) continued discussion of NRCS funding sources for non-FRGP projects.

1. Update on the Draft Consolidated Permit Application for Non-FRGP Projects

Bill Snyder reported that he has had no contact with DFG management yet regarding how items listed in the draft consolidated permit application for non-FRGP projects track with LSAA requirements, and how the items could be linked. ***Bill will work with DFG to make a determination on this topic.***

There was considerable discussion regarding whether the coastal zone should be included within the draft consolidated permit application. Kathie Lowrey suggested speaking to Joe Pecharich, NOAA Restoration Center, regarding coastal zone permits and consistency determinations for species such as tidewater goby. **Bill Snyder stated that he had considerable interest in including coastal zone projects under the consolidated permit, and that he would contact Joe to determine if this is feasible.** Bill also stated that we need to engage USFWS staff for consistency determinations for upland species such as the red-legged frog and find out what they need for take avoidance. **Bill will contact either Kate Simons, Darren Tom, or Jim Wilkenson at the Service to gain their input.**

2. Update on the Draft WFWG White Paper Guidance Document

Jennifer Carah offered thanks to all of the WFSW participants that have provided comments on the white paper to date. Most of the comments have been incorporated in a new version of the document, but no final draft has been produced due to two outstanding issues. These are: (1) a final ruling on how 500 linear feet will be determined for large wood enhancement projects, and (2) whether or not the activities being proposed could be conducted under the Small Habitat Restoration Projects exemption (CatEx 15333) under CEQA. Bill Snyder stated that he is confident that the small projects being discussed by the WFSG are consistent with the CEQA small habitat restoration projects exception, but that **CAL FIRE's Chief Council, Giny Chandler, would speak to DFG's council to confirm this determination.** Bill stated that the 2003 "Barriers to Restoration" white paper issued by former Natural Resources Secretary Mary Nichols provides good background information on why this CEQA exception language was developed.

Jennifer Carah stated that when we are confident that this is an appropriate interpretation, she can finalize the white paper. Rick Macedo informed the group that DFG Regional Timber Program Manager Curt Babcock stated that if a project is not resulting in take (i.e., killing listed species), he felt comfortable using the CatEx 15333 exemption for non-FRGP large wood placement projects. Kathie Lowrey added that the SPAWN et al. vs the County of Marin case determined that project applicants must include specific mitigation measures for the project to be consistent with CEQA (see: http://www.spawnusa.org/cgi-files/0/pdfs/1107813104_California_Court_of_Appeals_Published_Decision_on_Creek_side_Development.pdf).

3. DFG CEQA Process for Non-FRGP Large Wood Enhancement Projects

After discussion, it was determined that DFG will be the lead agency under CEQA for wood enhancement projects utilizing their funding, and that CAL FIRE will be the lead agency for projects using CFIP funds or federal NRCS funding. For the projects that CAL FIRE will be the lead on, Bill Snyder stated that: (1) CAL FIRE will want to use the existing CatEx Notice of Exemption (NOE) form and Environmental Review Report for an Exempt Project form/checklist (ERRF), and (2) the CAL FIRE process is different than the DFG process, so we need to come to closure on what we want the project proponent to cover in an application (e.g., botany, archeology, etc.). **Bill stated that he**

would speak to DFG's Kevin Hunting and CAL FIRE's Chief Council Giny Chandler regarding this matter.

Rick Macedo briefly reviewed the handout he sent to the WFSW covering the types of categorical exemptions generally used by DFG, including: 15300.1 (ministerial projects), 15301 (existing facilities), 15302 (replacement or reconstruction), 15303 (new construction), 15304 (minor alteration to the land), 15321 (enforcement actions), and 15333 (small habitat restoration projects). DFG does require a NOE to be filed with the State Clearinghouse. Jonathan Warmerdam informed the group that the Water Board's General 401 Certification for Small Habitat Restoration Projects must meet the required qualifications but does not have a NOE filed. He stated that the General 401 certification should be sufficient for large wood enhancement projects. Steve Smith added that projects using federal funds will trigger NEPA, but this process uses the same types of information required by CEQA (botany, cultural resources, etc.).

4. Clarification on Small Restoration Project Size Limitations

Jonathan Warmerdam provided a detailed handout illustrating what the Water Board determined constitutes a small restoration project involving placement of wood structures in a stream channel. The CEQA CatEx 15333 category specifies a five acre limitation; the 500 foot limitation comes from the SWRCB's General 401 certification. Jonathan worked with Bill Orme, SWRCB, on guidance for how these limitations should be interpreted by project proponents. The diagrams in the handout show that area is calculated by adding the length times the width of each piece of wood, as well as the length times the width of heavy equipment access trails within jurisdictional state waters (i.e., below the "top of bank" (e.g., first abandoned floodplain terrace); $A = \sum (L_i \times w_i) +$ access trail area within state waters). The total area of impact in square feet must be equal to, or less than, 5 acres (217,800 ft²). The limitation for length (500 ft) is determined by adding the diameters of the large end of each individual piece of wood together, and then adding the length of temporary impact (in linear feet along the stream channel) for heavy equipment access trails within jurisdictional state waters. The total impact to stream bank in linear feet must be equal to, or less than, 500 ft.¹

Rick Macedo stated that DFG's interpretation of the size limitation is more conservative. He drew a diagram on the white board illustrating their view, which includes: (1) area of the harvested trees in the riparian zone (out to the drip line of the tree), (2) area of the access trail from the harvested trees to the channel, and (3) area of the trees placed in the channel as part of a large wood structure (commonly 1/3 of the area of the circle surrounding the wood structure). In the past, this interpretation has allowed for 15-20 unanchored wood structures (3-8 logs/structure) to be placed in the channel, according to Dave Wright. Bill Snyder stated that the two interpretations need to be harmonized into one common understanding. ***Rick and Jonathan agreed to meet and develop a common methodology and provide it to the group by the next WFSW meeting. Jonathan will email out a final version of the diagrams when they are available. Pete Cafferata agreed to supply Rick and Jonathan with one or more published papers providing tree diameter and canopy width relationships.***

¹ Note that this is not 500 continuous linear feet.

5. Continued Discussion on the MCRCD Permit Coordination Program

Patty Madigan stated that the MCRCD Permit Coordination Program covers nine practices (1. access roads, 2. critical area planting, 3. stream habitat improvement and management, 4. grade stabilization structure, 5. road/landing removal, 6. stream bank protection, 7. stream channel vegetation, 8. structure for water control, and 9. restoration and management of declining habitats). The MCRCD is seeking input on the proposed practices from stakeholders and looking for opportunities to collaborate. The coastal zone is excluded from the program (no Biological Opinion for tidewater goby and Pt. Arena Mountain Beaver). CEQA documentation (mitigated negative declaration) is being produced and it is anticipated that it will be delivered to the State Clearinghouse during the early part of the winter of 2011/2012, so that work can be conducted on the ground in 2012.

Detailed comments were provided to Patty on individual practices covered by the program. For example, Bill Snyder commented that for practice no. 2, it may be appropriate to allow for changes in species composition in the riparian zone (e.g., alter the hardwood to conifer mix). He also stated that practice no. 3 requires language allowing for riparian logs to be felled into the channel to create unanchored large wood structures (where downstream infrastructure is not an issue and wood structures meet DFG guidelines). Also the length under practice no. 3 should be 500 ft (not continuous), instead of 2000 ft, and the area should be 5 acres (not 0.25 ac). Under practice no. 4, it was suggested that biotechnical approaches be included. For practice no. 5, it was suggested that stored sediment in the stream channel above crossings being removed should be available for excavation.

Patty requested that additional comments on the draft Permit Coordination Program document be sent to her by December 15th. A key objective is to have the Permit Coordination Program document be consistent with the goals the WFSW is working towards.

6. Discussion of a “Mini-FRGP” Process Option and Potential Funding Sources

Kevin Shaffer discussed the FRGP and how it is currently used by DFG. He stated that the amount of money requested for a project is not critical—what is imperative is having the project pass a rigorous technical review by DFG staff. Therefore, it is possible to request a small dollar amount and take advantage of the FRGP permitting process, but the FRGP timeline requirements remain. Kevin stated that there is virtually no limit to the number of projects that can be approved in a given year (this has ranged from ~75 to 190 projects in the past), and that funding is essentially not a limiting factor at this time. Approximately \$14 million dollars in federal funding is available, as well as roughly \$10 million from state bonds. Funding from other sources, such as the Water Board’s Cleanup and Abatement funds were stated as not being needed at this time. What is needed is quality grant proposals submitted to DFG by the required deadline. Permits are issued for five years, allowing flexibility in when a project is implemented on the ground. Project proposals turned in now can be constructed in the Spring of 2013 (18 month turn around). Kevin added that the window is wide open to apply for FRGP, particularly in coastal coho salmon watersheds. He suggested contacting Scott Downie

or Gary Flosi (Mendocino Co.), or Gail Seymour in Sonoma Co. to discuss potential projects and determine how to improve scoring on a submitted project. ***The Proposal Solicitation Notice (PSN) for FRGP projects will be available from February 15th to March 30th (see: <http://www.dfg.ca.gov/fish/Administration/Grants/FRGP/Solicitation.asp>).***

7. Continued Discussion of Landowner Outreach Efforts

Bill Snyder stated that he spoke to Mike Jani, President of Humboldt Redwood Company (HRC), and found out that he is interested in 6-10 projects in the near future. HRC appears to be an excellent candidate for pilot projects testing the consolidated permit approach next year. Dave Wright stated that CTM's slated list of projects for next year is already long, including an extensive treatment of all of Pudding Creek. ***Other landowners will be contacted for possible pilot projects.***

8. Continued Discussion of NRCS Funding Sources for Non-FRGP Projects

Steve Smith stated that additional work is needed to make NRCS funded practices consistent with those being discussed by the WFSW. He informed the group that the Healthy Forests Reserve Program (HFRP) can be used to assist landowners in restoring, enhancing and protecting forestland resources on private lands through easements, 30-year contracts, and 10-year cost-share agreements (see: <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/easements/forests>). A key objective of the HFRP is to promote the recovery of endangered and threatened species under the Endangered Species Act. With a 10-year restoration cost-share agreement, the landowner can receive 50 percent of the average cost of the approved conservation practices. This program has been used extensively in Humboldt County to date. Steve stated that he would like to see this program used for large wood placement projects, expanding the scope of the HFRP. Other possible federal funding mechanisms include the Environmental Quality Incentives Program (EQIP) and the Wildlife Habitat Incentives Program (WHIP, with up to a 75% cost share).

Bill Snyder stated that CAL FIRE has funding available to complete conservation plans, especially in Mendocino County. Steve added that conservation planning can be focused on riparian areas, where it is needed. ***Bill suggested that a WFSW subcommittee meeting be held during the first half of December at the NRCS office in Ukiah. The group would meet with Greg Giusti, UCCE and discuss conservation planning and outreach to landowners, as well as discuss state and federal funding opportunities. Pete Cafferata agreed to set up a Doodle poll to find an appropriate date for this meeting.***

Next WFSW Meeting

The next full (regular) WFSW meeting is to be scheduled for January 2012 in Santa Rosa. A Doodle poll will be sent out to select an appropriate date.