# Wood for Salmon Workgroup Meeting Summary

Date: January 22, 2013
Location: CAL FIRE Forest Practice Conference Room, Santa Rosa, CA

Attendees: Jonathan Warmerdam, NCRWQCB
Jonathan Ambrose, NMFS
Patty Madigan, MCRCD
Lisa Hulette, TNC
Doug Albin, DFW
Pete Cafferata, CAL FIRE

Participating by Conference Line:

Rick Macedo, DFW
Dr. Stephen Swales, DFW
Lance Salisbury, DFW
Mary Olswang, DFW
Erkia Lovejoy, SusCon
Dominic MacCormack, USACE

**Action items are shown in BOLD font**

## Agenda Items

This Wood for Salmon Workgroup (WFSW) meeting focused on the following topics: (1) an update on the revision of the SWRCB General 401 Certification for Small Habitat Restoration Projects, (2) an update on DFW implementation of Assembly Bill No. 1961 (Huffman), Coho Salmon Habitat Enhancement Leading to Preservation Act (Coho HELP Act), (3) discussion of MCRCD RFP wood enhancement projects selected for funding, (4) an update on the Mendocino County RCD Permit Coordination Program, (5) update on the Central Coast Priority Action Coho Team (PACT), (6) summary of the agency meeting held in December 2012 with CTM to discuss a possible THP large wood project, and (7) brief discussion regarding updating Jen Carah's white paper on permitting large wood projects in the CCC ESU.

## General WFSW Announcements

- Lisa Hulette announced that the NMFS field meeting organized by Charlotte Ambrose and held on January 14, 2013 at Lagunitas Creek in Marin County was a great success. Over 100 people attended from a wide array of agencies, with good media coverage. See: http://www.marinij.com/westmarin/ci_22373595/marin-at-center-new-federal-plan-restore-coho?source=most_viewed.
- Jonathan Ambrose announced that the NOAA Southwest Fisheries Science Center has planted 12 adult coho salmon in San Vicente Creek, located in Santa Cruz County near Davenport. This is the second year that this has occurred, with the fish fitted with PIT tags.

- Pete Cafferata announced that Sean Gallagher, DFW, is the senior author of a recent paper titled "Identifying Factors Limiting Coho Salmon to Inform Stream Restoration in Coastal Northern California." The paper is posted at: http://www.pnamp.org/sites/default/files/gallagher_et_al._984.pdf.

1. **Update on the Revision of the SWRCB General 401 Certification**

Jonathan Warmerdam stated that the revision of the SWRCB General 401 Certification for Small Habitat Restoration Projects, which expired in August 2012, is still in the process of being developed. He continues to work with Ms. Catherine Woody of the SWRCB on this effort. They have been waiting to hear how DFW will implement AB 1961, the Coho HELP Act, on the ground. Renewed work on this revision will occur this month. **The group agreed that it would be best to continue to put further revision of the WFSW consolidated permit application on hold until the General 401 Certification revision process is finalized.**

2. **Update on DFW implementation of Assembly Bill No. 1961, Coho Salmon Habitat Enhancement Leading to Preservation Act (Coho HELP Act)**

Mary Olswang informed the WFSW that DFW has produced a detailed webpage that provides considerable information on how landowners can submit applications using the Coho HELP Act; see: http://www.dfg.ca.gov/fish/Resources/Coho/HELP/. A coho salmon habitat enhancement project fitting under the CEQA exemption is defined in this bill as: (1) a barrier removal, (2) streambank stability restoration using bioengineering approaches, or (3) large wood placement. There are links to several documents on the webpage, including: the Assembly Bill 1961 language, Project Request Application, an instructions and fees document, Fisheries Engineering Review Checklist, Example Access Agreement, State Coho Recovery Strategy, Salmonid Stream Restoration Manual, SWRCB General 401Certification information, and USACE Section 404 permitting information. Lisa Hulette and Erika Lovejoy stated that the website is very informative.

The application must be printed, filled out, and mailed to DFW; Mary Olswang will be the main DFW person reviewing the applications. After an approved application is received, she will work with DWF field staff in the various regions (e.g., Doug Albin) for field reviews of the proposed projects. Mary's contact information is: (916) 445-7633 or Mary.Olswang@wildlife.ca.gov.

To date, no AB 1961 applications have been filed with the agency, but Lisa Hulette and Patty Madigan stated that they will be submitting two applications soon, functioning as pilot projects (SF Garcia and NF Gualala projects; see agenda item No. 3). Patty suggested that it would be appropriate to have "step by step" instructions produced, as well as training for applicants. Jonathan Ambrose stated that federal incidental take coverage must be considered by applicants and should be addressed on the DFW webpage. Jonathan Warmerdam stated that the website indicates that the project must be no larger than 5 acres **or** 500 linear feet, when in fact it should be "and", not "or." **He stated that this should be made clear on the website.** Mary Olswang said that the Assembly Bill language states "or", not "and", hence the language provided on the website. Erica

Lovejoy informed that group that the intent of the bill was to mirror the SWRCB General 401 Certification language. There was discussion of the WFSW diagram and spreadsheet developed last year for calculating the 5 acre and 500 linear feet limitation, but Ms. Olswang said that these products had not been reviewed by DFW Engineering staff to date. **There was broad agreement that we need improved agency understanding on how to interpret the Assembly Bill language, as well as guidance to help project applicants submit projects consistent with agency requirements.**

### 3. Update on MCRCD RFP Wood Enhancement Projects Selected for Funding

Patty Madigan stated that the MCRCD received three applications for wood enhancement projects funded by CAL FIRE. Three WFSW reviewers provided consistent reviews of the three projects, using a form developed by the MCRCD and WFSW. Two of the three projects are being funded, with contracts being developed by the MCRCD. The projects being funded are: SF Garcia (submitted by Trout Unlimited) and NF Gualala (submitted by the Gualala River Watershed Council). The project rejected was proposed for the Mattole River watershed (it was not judged to be cost effective). The work in the Garcia and Gualala River watersheds should be completed this summer. Of the $51,000 available, approximately $10,000 remains uncommitted at this time. Patty suggested that it would be appropriate to use this money to fund training so that cost effective projects are submitted in the future. The WFSW was supportive of this concept and suggested including training for LTOs in the field, as well as for project applicants. Doug Albin suggested integrating the field training with an on-going project. Jonathan Ambrose suggested that the site should be appropriate for small nonindustrial landowner projects. **Pete Cafferata agreed to speak to CAL FIRE Staff Chief Chris Zimny to determine if this would be an acceptable use of the contract funds from CAL FIRE. MCRCD staff will put together a draft budget and training agenda if it is determined that funds can be used for this purpose. Patty Madigan will work with Pete Cafferata on this training concept.**

### 4. Update on the Mendocino County RCD Permit Coordination Program

Patty Madigan informed the group that the MCRCD permit coordination program CEQA document and process have been discussed with DFW staff. There is widespread agreement that this programmatic CEQA document will be highly advantageous for small habitat improvement projects. Currently there is a “hand shake” agreement with DFW on how the CEQA document will be used, with final agreement expected to be in place shortly (there is no MOU with DFW on the use of the CEQA document). This will be the first summer when the new coordinated permit program will be used in the field, and it will be tested by the NF Gualala and SF Garcia projects being funded by the MCRCD and CAL FIRE.

**Patty stated that the MCRCD does not have a federal nexus process in place for incidental take with the federal agencies. She will speak to USACE staff regarding the possibility of producing a Regional General Permit (rather than using the Nationwide 27 permit on a project-by-project basis). Dominic MacCormack stated that he would be happy to work with the MCRCD on this endeavor.**

## 5. Update on the Central Coast Priority Action Coho Team (PACT)

PACT is a joint effort between NMFS and DFW that is attempting to identify new and available resources to expedite immediate actions to prevent extinction of coho salmon within the CCC coho salmon ESU. Formed in early 2011, the PACT consists of a management team, coordination committee, and six technical working groups (including outreach, funding, restoration, water flow, hatcheries and fish rescue). The technical working groups supplied recommendations to the coordination committee in 2012. Dr. Stephen Swales stated that it was determined that some of the products produced from the six working groups will have to be revised in the near future. The goal is to implement the recommendations from the working groups during 2013, but the exact timing for implementation is unknown.

## 6. Summary of the Agency Meeting held in December 2012 with CTM to Discuss a Possible THP Large Wood Project

Pete Cafferata stated that an agency meeting was held on December 10, 2012 in Santa Rosa to discuss a possible Campbell Timberland Management (CTM) THP that would include a large wood enhancement project. At the last WFSW meeting held on October 29, 2012, Dave Wright informed the WFSW that CTM is considering large wood enhancement as part of a THP in the Smith Creek drainage, part of the Ten Mile River watershed in western Mendocino County. The channel has been cleared in the past and current wood loading is very low. Permitting by the state and federal agencies remains an issue and it was agreed to have a meeting to discuss the various permitting options that are available.

Jonathan Ambrose stated that he informed CTM staff that NMFS has determined that if a landowner wants to add large wood to a stream channel as part of a THP, NMFS will provide incidental take coverage using the existing 2006 Biological Opinion (BO) for that activity (only that part of the THP is covered for take). This is a significant reduction in the regulatory burden for a landowner. NMFS will write a letter to the USACE and the plan applicant stating that they are covered for incidental take when placing wood in the channel, but that other THP activities are not covered (ESA coverage provided).

Jonathan Warmerdam stated he informed CTM staff that recent discussions with SWRCB staff have revealed a straightforward way to permit large wood projects as part of a THP. The Water Board will simply issue a permit under either the timber GWDR or Waiver that covers the THP activities plus the LWD restoration activities, and then provide the USACE with a letter stating that this permit is sufficient to cover all the Water Board 401 Certification needs. There would be no additional permitting process, no fees, and the project would not be constrained by the size limitations in the CatEx and General Certification for Small Habitat Restoration Projects. Water Board legal council will help draft a general letter that can be sent to the USACE. Water Board staff are still discussing this approach, but Jonathan stated at this meeting that they expect to get final approval from legal staff this week.

Rick Macedo stated that if NMFS finds that the project is compatible with the 2006 BO/ITP for fish restoration activities, then DFW should be in a position to authorize use (honor) the

2006 Consistency Determination (CD). Brad Valentine, however, questioned in December whether this was the case if the project exceeded the Coho HELP Act standards (5 ac, 500 linear feet). He stated that DFW timber staff can't exempt the take process except for AB 1961 standards. Rick Macedo stated that DFW will determine if authorization of the 2006 CD can be used. At the current meeting, Rick informed the group that Curt Babcock was waiting to hear from DFW legal counsel regarding this matter, with the expectation that they should receive an answer this week.

**Provided that DFW is able to provide CTM with an acceptable answer regarding authorization of the 2006 CD, Pete Cafferata will provide coordination for an ASP Rule Section V pre-consultation, with possible use of the THP as a VTAC pilot project.**

7. **Brief Discussion Regarding Updating Jen Carah's White Paper on Permitting Large Wood Projects in the CCC ESU**

There was a brief discussion regarding the need to update Jen Carah's white paper on permitting large wood projects in the CCC ESU (see: http://conserveonline.org/workspaces/woodforsalmon/documents/documents). It was agreed that this should be a living document and updated to reflect recent changes, such as those included under AB 1961, Coho HELP Act. **Since there are numerous items currently in flux, it was decided that it would be appropriate to wait a few months before updating this document.**

8. **Next WFSW Meeting Date**

**Pete Cafferata agreed to send out a Doodle poll for a WFSW meeting to be held in March 2013.**