Wood for Salmon Workgroup Meeting Summary

Date: March 15, 2012
Location: North Coast Regional Water Quality Control Board

Attendees: Bill Snyder, CAL FIRE
Jonathan Warmerdam, NCRWQCB
Michael Huyette, CGS
Kathie Lowrey, PCI
Lisa Hulette, TNC
Jonathan Ambrose, NMFS
Erik Schmidt, SUSCON
Erika Lovejoy, SUSCON
Pete Cafferata, CAL FIRE

Participating by Conference Line:
Karen Carpio, DFG
Dr. Stephen Swales, DFG
Rick Macedo, DFG
Cathie Vouchilas, DFG
Lance Salisbury, DFG
Jen Carah, TNC

Action items are shown in BOLD font and italicized

Agenda Items

This Wood for Salmon Workgroup (WFSW) meeting focused on the following topics: (1) an update on the final version of the WFSW white paper guidance document; (2) a final review of changes made to the size/area limitations for small restoration projects and a spreadsheet calculator application; (3) a description of a new Assembly Bill (1961) addressing coho salmon recovery; (4) a brief update on the draft DFG MOU to address take of coho salmon for small restoration projects; (5) an update on the draft consolidated permit application for non-Fisheries Restoration Grant Program (FRGP) projects; (6) a brief update on the Mendocino County RCD (MCRCD) Permit Coordination Program; and (7) a brief update on landowner outreach efforts in 2012.

1. Update on the Final Version of the WFWG White Paper Guidance Document

Jen Carah stated that the final version of the WFSW white paper guidance document titled "Permitting Large Wood Augmentation Projects in the Evolutionarily Significant Unit of Central California Coast Coho Salmon: A Guidance Document" is posted on The Nature Conservancy webpage she developed for the WFSW (see the document at: http://conserveonline.org/workspaces/woodforsalmon/documents/documents). Jen said that updates or changes to the document could still be made as needed. She provided widespread notification of the document in an email message sent on February 24, 2012.

2. Clarification on Small Restoration Project Size Limitations

Jonathan Warmerdam provided the group with the final version of the handout illustrating what the Water Board and DFG have determined constitutes a small restoration project involving placement of wood structures in a stream channel. Two diagrams with descriptions were provided: (1) area calculation, and (2) length calculation. The CEQA CatEx 15333 category specifies a five acre limitation; the 500 foot limitation comes from the SWRCB's General 401 certification. The revised diagrams and descriptions have been included in Jen Carah's WFSW white paper. An Excel spreadsheet for calculating the size/area covered by a potential project has also been developed by Jonathan and is posted on the WFSW webpage: http://conserveonline.org/workspaces/woodforsalmon/documents/documents. **Jonathan encouraged WFSW participants to try the spreadsheet and other tools on the website and provide him and the group with feedback regarding possible improvements.**

Considerable discussion took place regarding whether wood placement projects involving stream dewatering could be included under the CEQA CatEx 15333 exemption category. Kathie Lowrey stated that for non-FRGP projects in Sonoma and Marin Counties, CatEx 15333 has not been allowed to be used for dewatering projects. Rick Macedo stated that CatEx15333 states that there can be no significant adverse impact on endangered, rare, or threatened species or their habitat. Nothing in Cat EX 15333 specifically prohibits temporary de-watering when using this exemption. Cathie Vouchilas stated, however, that CEQA analysis "may" need to cover the entire collective "project," and which could be up to 500 individual projects, necessitating cumulative impact assessment. She stated that the existing project description is currently too open-ended.

Jonathan Ambrose stated this was previously addressed with the NMFS Santa Rosa Office Biological Opinion (BO), which specifies no more than 50 projects per year and no more than three projects in a planning watershed.[1] Jen Carah argued that the BO was not written for a "program," but for individual projects without FRGP take coverage. Bill Snyder concurred, saying that the Cat Ex 15333 exemption was developed to cover habitat restoration projects, using the Consistency Determination (CD) for the NMFS BO, and to say that it does not apply due to cumulative impacts concerns is a huge step backwards. He added that if this is not the case, corrections could be developed through legislation. **Bill Snyder concluded this discussion by stating that he would work with Cathie Vouchilas to attempt to come to a common understanding on this issue. Lisa Hulette suggested providing DFG with several past project**

[1] Mr. Ambrose stated that a Programmatic BO for the Arcata Area office will be released soon. It follows the same basic framework of the 2006 Programmatic BO for NMFS' Santa Rosa Area Office but covers more activities than Santa Rosa addressed in 2006. Project types that are covered include large woody debris placement, off channel habitat creation, the removal of small dams and other fish passage impediments, water conservation projects, upslope watershed restoration, and riparian restoration activities. The Arcata Office programmatic Biological Opinion was signed on March 21, 2012. Mr. Ambrose added in a later email message dated March 27, 2012, that this document increases the potential geographic "foot print" of the Wood For Salmon Workgroup.

descriptions to illustrate the types of projects that would be undertaken with this exemption category.

3. New Assembly Bill Introduced—1961 (Huffman)

Lisa Hulette stated that Assemblyman Huffman introduced Assembly Bill 1961 on February 23, 2012. This bill would establish the Coho Salmon Habitat Enhancement Leading to Preservation Act (Coho Act) and require DFG to approve specific habitat enhancement projects that are necessary to prevent extinction of coho. The bill is posted at: http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1951-2000/ab_1961_bill_20120223_introduced.pdf. Lisa stated that a coalition of conservation organizations, including the Nature Conservancy, Trout Unlimited, and Cal Trout, support this legislation. Projects include, but are not limited to, large wood placement work. A hearing on the bill will occur on April 10th in Sacramento. Clarification on CEQA coverage will not be addressed in this bill. Ms. Hulette suggested that letters of support to Assemblyman Huffman would be greatly appreciated. Bill Snyder explained that it is not a simple task for a state agency employee, at least at CAL FIRE, to write a letter of support (i.e., bill analysis is a lengthy and detailed process requiring support at many levels). **He stated that it would be far easier to lend technical support to the Assembly Natural Resources Committee regarding this bill, particularly working with Mr. Mario DeBernardo, Senior Consultant for the Natural Resources Committee.**

4. Update on the draft DFG MOU to Address Take of Coho Salmon for Small Restoration Projects

Rich Macedo updated the WFSW on the draft MOU DFG is developing for program-wide CESA compliance of small restoration projects focused on coho salmon, including large wood enhancement projects. He explained that utilizing an MOU would offer alternatives to the current requirement for financial assurances for a Consistency Determination (CD), which has caused resistance in the past. This type of MOU could provide take authorization for a group doing a larger scale set of projects, such as an RCD. Instead of issuing individual CDs, the MOU would address a subset of project types in the draft BO to address take of coho. The MOU option would be available for use throughout California's coho salmon range. Due to staff changes, the effort has temporarily slowed, but DFG continues to work on this MOU and remains committed to finishing the document.

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

Jonathan Warmerdam developed a comprehensive new version of the draft consolidated permit application and sent it via email to a portion of the WFSW on March 14th. The new version is color-coded, so that each agency's requirements are differentiated (i.e., NMFS—orange, DFG—green, SWRCB—blue). He eliminated certain aspects of questions on agency forms not related to large wood placement projects. Additionally, new questions were added, such as one addressing stream shading. **Lisa Hulette suggested adding hyperlinks for information on how to measure stream shading, monitoring, etc.** The first page includes a hyperlink to the

LWD calculator (Excel spreadsheet for project size determination). **Jonathan stated that the new revision still needs more review from the WFSW and asked for input from the group.**

Rick Macedo stated that DFG needs to review the revised form at the Branch and Division levels. **Cathie Vouchilas suggested the LSA Program would be more interested in a consolidated form for small restoration projects in general, and not a consolidated form for one small subset of restoration projects. The LSA Program does not have the resources to maintain multiple forms and modifications to work flow and tracking. She also recommended that an MOU between participating agencies would be appropriate to clearly state approval of the form, the intent of the form, it's utility, and responsibilities for updating the form as necessary. Jonathan Warmerdam agreed that this would be beneficial. Bill Snyder stated that CAL FIRE needs to meet with DFG to reach a decision on including the 1600 permit application portion of the form, and whether the CEQA CatEx 15333 category can be used.** Jonathan Warmerdam stated that the NCRWQCB has accepted the use of the form, but no final agreement has been obtained from the SWRCB yet. Kathie Lowery added that the Joint Aquatic Resources Permit Application (JARPA) is a good example of an existing consolidated permit currently in use. It is used within the jurisdiction of the San Francisco RWQCB for permits from the Water Board, USACE, DFG, USEPA, USFWS, CA Lands Commission, etc. The form is posted on the web at:
http://www.sfestuary.org/PDF/jarpa/JARPA_final_1106.pdf

6. Continued Discussion on the MCRCD Permit Coordination Program

Kathie Lowry rapidly updated the group on the Mendocino County Resource Conservation District (MCRCD) permit coordination program effort. She said that the MCRCD is close to finishing up the initial study and that a Mitigated Negative Declaration (MND) will be completed by March 30, 2012 and sent to the State Clearinghouse. They anticipate a 30 day public review of the MND in April. The goal is to finish soon so that the MCRCD can use the coordinated permit for projects this year. Revisions will likely be made every five years.

7. Brief Update on Landowner Outreach Efforts Planned for 2012

Bill Snyder stated that he spoke to Mendocino Redwood Company's Kirk Vodopals regarding use of the WFSW form for large wood placement projects. MRC has submitted applications for a considerable number of FRGP projects and has little time to take on another non-FRGP project. Bill stated that Kirk has some interest, however, in a potential wood project in the Garcia River watershed.

Next WFSW Meeting Date

The next WFSW meeting will likely be held in May. Pete Cafferata will initiate a Doodle poll to look for an acceptable date.

Action Items from the Current WFSW Meeting

1. **Bill Snyder will speak with Mr. Mario DeBernardo, Senior Consultant, State Assembly Natural Resources Committee, regarding Assembly Bill 1961 (Huffman) prior to the hearing on April 10th.**
2. **Bill Snyder will speak with Cathie Vouchilas regarding scope and scale of large wood placement projects and using CEQA CatEx 15333 for 1600 agreements.**
3. **Jonathan Warmerdam will send the revised draft consolidated permit application form to the entire WFSW.**
4. **Lisa Hulette, Rick Macedo, and Jonathan Warmerdam will send past notices of exemptions for CEQA Cat Ex 15333 applications to Bill Snyder and Pete Cafferata for discussion with Cathie Vouchilas.**
5. **Jonathan Warmerdam will meet with Mr. Bill Orme of the SWRCB regarding State Water Board acceptance of the consolidated permit application form and project size/area calculator.**
6. **Lisa Hulette will send out additional information regarding Assembly Bill 1961 (Huffman) to the WFSW.**
7. **The entire WFWG will review the draft consolidated permit application form and send comments to Jonathan Warmerdam.**

Announcements

- Karen Carpio announced that DFG FRPG project applications are due to DFG on March 30, 2012 at 3:00 p.m. She encouraged WFSW participants to submit applications. More information is available at: http://www.dfg.ca.gov/fish/Administration/Grants/FRGP/Solicitation.asp

- Jonathan Ambrose announced that he would like to have further discussion at the next WFSW meeting on Central Coast Priority Action Coho Team (PACT) work. Mr. Ambrose is co-chair of the Regulations, Permitting, and Enforcement Technical Working Group for the PACT, along with Mr. Gregg Martinelli, DFG. The PACT is attempting to identify new and available resources to expedite immediate actions to prevent extinction of coho salmon within the CCC coho salmon ESU. For more information, see: nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=40112