

Wood for Salmon Workgroup Meeting Summary

Date: January 25, 2012

Attendees: Bill Snyder, CAL FIRE
Jonathan Warmerdam, NCRWQCB
Michael Huyette, CGS
Dave Wright, CTM
Rick Macedo, DFG
Kathie Lowrey, PCI
Suzanne Lang, CAL FIRE
Pete Cafferata, CAL FIRE

Participating by Conference Line:
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) an update on the concept of using the DFG CEQA process 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; (6) a summary of the WFSW subcommittee meeting held in Ukiah on December 9, 2011 to discuss conservation planning and landowner outreach, (7) continued discussion on WFSW landowner outreach efforts planned for 2012, and (8) a summary of the draft DFG MOU to address take of coho salmon for small restoration projects.

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

Bill Snyder reported that he had no contact with DFG management regarding whether Lake or Streambed Alteration Agreement (LSAA) requirements listed in the draft consolidated permit application for non-FRGP projects could remain in the draft document, or would need to be separated out. ***Jonathan Warmerdam stated that he will talk to DFG's Cathie Vouchilas regarding possible issues with entry of data from the consolidated form into DFG's existing 1600 database. Bill and Jonathan will work with DFG to make a determination on this topic.***

2. Update on the Draft WFWG White Paper Guidance Document

Bill Snyder informed the group that he had spoken with CAL FIRE's Chief Council, Giny Chandler, regarding whether or not the activities being proposed by the WFSW could be conducted under the CEQA Small Habitat Restoration Projects exemption (CatEx 15333—small habitat restoration projects exception). Ms. Chandler has determined

that, in her opinion, the CatEx is appropriate, with the caveat that there is state and federal incidental take coverage. There was general agreement that CatEx 15333 coverage should only apply to wood placement projects that do not involve dewatering (e.g., simpler projects such as directional falling and placement of riparian trees).

With this clarification and refinements made by the WFSW on small restoration project size restrictions (see agenda item 4 below), Jen Carah will develop a revised white paper document and post it on The Nature Conservancy's website created for the Wood for Salmon Workgroup. Bill Snyder and Jonathan Warmerdam suggested that it would be appropriate to link The Nature Conservancy's WFSW webpage to other websites, including the Water Board's 401 certification website.

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

As discussed at the last WFSW meeting, DFG will be the lead agency under CEQA for wood enhancement projects utilizing their funding/permitting process, and CAL FIRE will be the lead agency for projects using CFIP funds or federal NRCS funding. RPFs will complete the CEQA documentation for landowners. Rick Macedo stated that DFG conducts CEQA for wood enhancement projects utilizing a 1600 agreement (Lake or Streambed Alteration Agreement). He added, however, when the Mendocino County RCD completes their consolidated permit process, DFG will "piggyback" on it for 1600 CEQA coverage (and not be constrained by CatEx size limitations). In most situations, the 5 acre/500 linear feet size limitations will remain—keeping the project within the scope of Water Board 401 Certification for Small Habitat Restoration Projects.

4. Clarification on Small Restoration Project Size Limitations

Jonathan Warmerdam provided the group with a revised 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. Jonathan worked with Bill Orme, SWRCB, on guidance for how these limitations should be interpreted by project proponents, as well as Rich Macedo for a common understanding between the Water Board and DFG on size limitations. ***The revised diagrams and descriptions will be included in Jen Carah's WFSW white paper.***

Jonathan and Rick revised the canopy removal area calculation based on information from a published paper (Bechtold 2004) providing tree diameter and canopy width relationships. This section of the handout now reads: *"Estimate the total area affected as a result of canopy removal using an assigned value of 660 ft², or 0.015 acres, per tree that is felled (regardless of location across landscape). Multiply the total number of trees felled by this factor to estimate the total area of disturbance."*

There was considerable discussion regarding what constitutes "significant" ground disturbance on access trails, and how the area covered by access trails outside of the "top of bank" were to be counted in the calculation. It was readily agreed to include

access trail disturbance regardless of whether it is within or outside Water Board jurisdictional waters (i.e., top of bank”). How to address “significant” ground disturbance generated more discussion. There were suggestions to only count access trail areas with exposed mineral soil, or to simply rely on professional opinion regarding what constitutes “significant” soil disturbance. ***Jonathan agreed to work on this issue further and send the group a revised set of diagrams with descriptions. He also stated that he would include an Excel spreadsheet he has developed for rapidly making the length and area calculations.***¹

5. Continued Discussion on the MCRCDD Permit Coordination Program

Kathie Lowrey updated the group on the Mendocino County permit coordination program, filling in for Patty Madigan, who was on vacation. Kathie stated that the initial study is completed and that an administrative draft version of the program document would be available for Mendocino County review, as lead agency under CEQA, in the second half of February. She said that comments received from WFSW participants were helpful and appreciated. Jonathan Warmerdam stated that it was unclear if the 401 certification could be programmatic (requiring legal counsel input). Kathie stated that the goal is to use the Mendocino County permit coordination program during the summer of 2012. They anticipate a 30 day public review of the Mitigated Negative Declaration (MND) in March.

6. Summary of the WFSW Subcommittee Meeting held in Ukiah on December 9th

Pete Cafferata distributed notes from the WFSW subcommittee meeting held at the NRCS office in Ukiah on December 9, 2011. The subcommittee discussed developing a series of technical workshops explaining to RPFs and agency staff the funding sources available through CAL FIRE and other agencies for producing California Cooperative Forest Management Plans for small forest landowners (the form is posted at: http://www.fire.ca.gov/resource_mgt/downloads/CAForestManagementPlan.pdf) (landowners must have “forest land” with at least 10% cover). Topics to cover in these technical workshops include explanation of the management plan, contents of the management plan, and programs and funding opportunities available to help deliver management plans. A tentative agenda and schedule for these workshops was discussed (locations include Ukiah, Redding, and Auburn). The subcommittee also discussed developing a second set of workshops for small landowners (<5000 ac) explaining management plan options and existing funding opportunities for forest improvement work/small restoration projects, including large wood enhancement projects.

¹ In an email message sent by Jonathan to the WFSW on February 1, 2012, a disturbance coefficient for “lighter touch” types of access was not included in the further revised document. This decision was made to limit the amount of confusion that might occur when using the guidelines. The new language is as follows: “Access Trail - Area Calculation: Estimate the total area of temporary impact (in square feet and acres) from heavy equipment use associated with the project.” Jonathan also sent the group the Large Woody Material (LWM) project size calculator, built with an Excel Spreadsheet, including detailed instructions for use. The spreadsheet will be posted on The Nature Conservancy WFSW website, along with the final white paper.

Bill Snyder stated that he wants to see small stream restoration projects covered in the three technical workshops, and that there is \$50,000 available for these types of projects this year. Bill explained that to receive funding for on-the-ground projects, a small landowner must have a land management plan. After the plan is approved, the landowner can apply for additional funds for field work (e.g., small stream restoration) with federal programs such as EQIP or WHIP, and state funds (e.g., CFIP, which can fund wildlife habitat restoration work).

Bill informed the group that an attempt is being made for effective outreach to small landowners, including an effort to identify small landowners that may be interested in management plans and field work, through a CAL FIRE/UCCE contract and GIS work. Suzanne Lang, CAL FIRE Forest Practice GIS Analyst, explained that she is identifying these types of landowners with GIS tools. Suzanne handed out a GIS map of Mendocino County showing where forest management activities have occurred from 1997 to the present. The map displays the location of THPs, NTMPs, Stewardship Management Plans, and areas with "outreach potential" (small landowners (>10 ac) with forest land without past plans). Approximately 6600 landowners met the baseline screening criteria. A further stratification could be run to screen ownerships for watercourses of suitable size for wood placement projects.

7. Continued Discussion of Landowner Outreach Efforts

Bill Snyder stated that he spoke to Mike Jani, President of Humboldt Redwood Company (HRC), and determined that Mike is interested in multiple wood projects in the near future. HRC appears to be an excellent candidate for pilot projects testing the consolidated permit approach. Dave Wright stated that Campbell Timberland Management (CTM) has a potential project that either they will fund themselves, they will apply for a FRGP grant (\$100), or they could possibly use as a WFSW pilot project (continuation of work in the Clark Fork of Ten Mile). He said that a decision will need to be made soon. Lisa Bolton is writing the proposal for CTM. Dave stated that CTM would send in applications for 5-6 FRGP grant proposals. Karen Caprio, DFG, encouraged all interested parties to apply for DFG FRGP grants. Applications will be accepted between February 15, 2012, and March 30, 2012 (see: <http://www.dfg.ca.gov/fish/administration/Grants/FRGP/Solicitation.asp>). She noted that there is no project size limitation (i.e., restoration projects are not limited to 5 acres, but a project cannot disturb more than 500 feet of contiguous stream reach; projects that disturb more than 500 feet of contiguous stream require a separate Section 7 consultation). and LSAA permit coverage is obtained with the grant. Karen suggested reading the 2012 Proposal Solicitation Notice (PSN) to receive a better grant proposal score. Rick Macedo added that the FRGP should be the primary approach used, with the WFSW process a secondary method (complimenting the FRGP).

Bill Snyder and Pete Cafferata will contact Scott Kelly regarding possible projects on timberlands owned by The Conservation Fund. Other landowners will also be contacted for possible pilot projects. Bill Snyder stated that he would like to see at least two small landowner WFSW pilot projects submitted this year. Bill will speak to Chris Blencowe and Todd McMahon (Mailliard Ranch RPF), regarding wood projects involving small landowners.

8. Draft MOU to Address Take of Coho Salmon for Small Restoration Projects

Rich Macedo informed the WFWG that DFG staff (Dr. Gayle Garman and Curt Babcock) have produced a draft Memorandum of Understanding (MOU) for program-wide CESA compliance of small restoration projects focused on coho salmon, including large wood enhancement projects. The vision is that entities able to control a project, such as an RCD, would enter an MOU with DFG for coho salmon take compliance. Instead of issuing individual consistency determinations (CDs), the MOU would address a subset of project types in the draft Biological Opinion (BO) to address take of coho. The MOU option would be available for use throughout California's coho salmon range. The Southern Oregon/Northern California Coast (SONCC) ESU for coho salmon has no current CD in place that covers habitat restoration projects similar to the NMFS 2006 BO for areas including and south of Mendocino County. Rick noted that the draft MOU is a work-in-progress, and that the Arcata NMFS office continues to work on a coho salmon BO. Utilizing an MOU would offer alternatives to the requirement for financial assurances for a CD. Rick read the following paragraph to the group from the draft MOU:

“Issuing consistency determinations (CDs) or incidental take permits (ITPs) for small habitat restoration projects delays implementation, is time consuming for DFG staff, often does not result in substantive full mitigation beyond the project benefits, requires financial assurances which is an impediment to implementation, and creates negative feelings from stakeholders toward DFG as they feel we are unreasonably holding up white-hat projects for administrative requirements that yield little obvious benefits. This proposal seeks to use an existing mechanism in Fish and Game Code (FGC) 2081(a), which would be a policy change from past practice.”

Rick will update the WFSG on this process at future meetings.

Next WFSW Meeting

The next WFSW meeting will be held in March 2012 at the NCRWQCB office in Santa Rosa. A Doodle poll will be sent out to select an appropriate date. Topics for the meeting will include:

1. Closure with DFG on the consolidated permit application for non-FRGP projects.
2. Final review of the changes made to the size/area limitations for small restoration projects and the Excel spreadsheet for simple calculation of project size.
3. Final review/discussion on the WFSW white paper/web posting.
4. Landowner follow-up discussion (with landowners attending the meeting to discuss their projects for 2012).
5. Discussion of landowner outreach at workshops and how WFSW products will be used in these workshops.
6. Discussion of outreach efforts with small landowners.