

VTAC Meeting Minutes

November 19, 2010

CAL FIRE Mendocino Unit Headquarters, Howard Forest
Willits, California

Attendance

The following VTAC members attended the meeting:

Mike Liquori (Chair); Dr. Matt O'Connor, Dave Hope, Dr. Kate Sullivan, Richard Gienger, Dr. Kevin Boston, Peter Ribar, Mark Lancaster

The following VTAC agency representatives attended the meeting:

Bill Short (CGS), Bryan McFadin (NCRWQCB), Bill Stevens (NMFS), Pete Cafferata (CAL FIRE). Stacy Stanish (DFG) participated by conference line.

Attendees:

Bill Snyder (CAL FIRE), Duane Shintaku (CAL FIRE), Dennis Hall (CAL FIRE).

[Action items are shown in bold print].

Section V Pre-Consultation Work for Four THPs in Northeastern California

Ms. Stacy Stanish, DFG, provided a PowerPoint presentation (remotely) on the Section V pre-consultation work she has conducted for four THPs in northeastern California over the past several months (the PowerPoint is posted on the VTAC ftp site at: <ftp://frap.cdf.ca.gov/pub/incoming/VTAC/VTAC%20PPTs/>). She began by showing a map of northern California displaying ASP, non-ASP, and upstream-ASP (916.9 road rules (k)-(q) apply) planning watersheds. The locations of the four THPs with Section V pre-consultations in ASP planning watersheds were shown on this map; they are all situated in the general vicinity of Shingletown, which is east of Redding.

The first plan discussed was the Maidenhair THP, 2-10-031 TEH, submitted by SPI. The THP covers 306 acres, with 300 acres planned to be clearcut. The plan is located two miles upstream from known steelhead populations. No advance data or information was submitted to DFG prior to the field pre-consultation. The plan is located in the Antelope Creek watershed, near the Judd Creek basin where Dr. Cajun James, SPI, has monitored the impacts of clearcutting for several years. There are no Class II-L watercourses in the plan area. The RPF proposed using standard (non-ASP) width WLPZs for Class I and II watercourses, with no operations in the buffers (i.e., 75 feet for Class I and 50 feet for Class II watercourses due to slopes <30%). In the submitted plan, the RPF will provide water temperature and turbidity data from the Judd Creek watershed. DFG, CVRWQCB, and CAL FIRE staff all concurred during the pre-consultation that the proposed practices were appropriate for this location based on past monitoring data, as well as the following site-specific factors: (1) there are relatively few units adjacent to watercourses, (2) units are located on one side of the stream, and (3) the watercourses are largely spring-fed. In addition, high sediment delivery from roads is not a significant issue here. These practices were previously used for THPs in this watershed under the Threatened or Impaired Watersheds rules (T/I Rules), and no negative impacts to steelhead populations were observed. DFG's ASP Rules

Committee, however, has commented that no-cut zones will eventually increase catastrophic fire risk in these watersheds.

Next, Ms. Stanish discussed the North McMullen THP, 2-10-049 SHA, submitted by CAL FIRE's LaTour Demonstration State Forest. This is an 870 acre plan, of which 87 percent will use group selection silviculture. No in-lieu practices are proposed and the THP is located 10 miles from known steelhead populations. The headwaters of Lee March Gulch is located in the North McMullen plan. It is a spring-fed Class I watercourse composed of long riffles and small, shallow pools that flows northeast to Cutter Meadows. One fish was documented 100 feet upstream from Cutter Meadows, with no visible barriers above that point. Discharge is approximately one cfs year round. In previous plans, this channel had been designated as a Class II watercourse. For this part of the plan, the RPF proposed a 75 foot no-cut WLPZ. DFG concurred during the pre-consultation due to: (1) the flat ground present, (2) the spring-fed system present with cold water temperatures (48° F in August), (3) group selection harvest, and (4) the location of the plan high in the Lee March Gulch watershed.

The third plan presented was the Tower THP, 2-10-056-SHA, submitted by W.M. Beaty and Associates. This plan covers 5,063 acres in four planning watersheds, all to be harvested with group selection. An option V alternative was requested only for Class I watercourses (there are no Class II-L watercourses in the plan). Numerous agricultural and PG&E diversions are present in this area, as well as ponds stocked with brown trout and other non-native fish. The RPF originally classified the channels as Class II watercourses, but electro-fishing revealed resident fish presence. Channels are narrow (1-2 feet wide), U shaped, and confined. Flows are managed by a water master. The RPF proposed 50 to 100 foot WLPZs based on slope, with 50% overstory canopy retention. Ms. Stanish felt that this was appropriate due to high existing fuel loading close to Shingletown and the desirability to remove ladder fuels that increase the risk of catastrophic wildfire. Additional considerations were: (1) group selection silviculture, (2) flat ground, (3) location high in the watershed, (4) poor habitat conditions and water diversions, (5) barrier to anadromy (very steep channel gradient below the plan), and (6) low water temperatures.

The last plan discussed was the Howard Springs THP (to be filed), being prepared by SPI in the Antelope Creek watershed. This plan is located a short distance to the south of the Maidenhair THP (discussed above). The THP covers 372 acres and is located approximately five miles upstream of known steelhead populations. Clearcutting is the main silvicultural system proposed, with a minor amount of alternative prescription. The ASP rules for Class II large and standard watercourses will apply; option V pre-consultation was held for Class I WLPZs adjacent to two clearcut units along Howard Creek. The RPF is proposing to have 100 foot WLPZs, with a 50 foot no-cut for the first 50 feet and 50% overstory canopy retention for the second 50 feet. Site-specific conditions were considered and this proposal is reasonable to DFG due to: (1) past similar practices under the T/I Rules without documented problems, (2) the presence of cold spring-fed watercourses, (3) option V applied to only two units 1200 to 1500 feet apart, with only one side to be harvested, (4) presence of boulder-cobble channel substrate, (5) the need for promotion of hardwoods in the riparian zone for increased biotic diversity, and (6) knowledge of Dr. James research results from the Judd Creek study. Ms. Stanish stated that the current limiting factor in these systems is likely the

lack of riparian hardwoods. Water temperature, sediment, and large wood are likely not limiting factors for fish production.

Following Ms. Stanish's presentation, Mike Liquori led a discussion summarizing key take home messages from the Section V pre-consultation work that has been completed to date. These included:

- In the examples provided by Ms. Stanish, uniform riparian prescriptions were largely proposed by the RPFs. To some degree, these types of proposals miss the site-specific element of Section V. More focus is needed on specific resource objectives when developing site-specific practices for riparian zones.
- The amount and detail of information that needs to be provided to the reviewing agencies during Section V pre-consultation needs to be determined. This level of information required will vary with location (interior watersheds vs. coastal watersheds), risk of proposed practices, amount of past similar practices that have occurred, etc. The lower the risk, the lower the threshold for information required will be. "Ad hoc"/causal approaches to pre-consultation will not work in many parts of the state (CEQA issues, etc.).
- Section V allows for two separate routes for approval: (1) written concurrence by DFG for specific sites where site-specific alternate practices are proposed (916.9 (v)(2), aka "side-door"), and (2) full use of the rule section for larger scale site-specific practices (e.g., watershed scale) (aka "front door").
- **We need a "road map" of the full Section V rule section to better allow the VTAC to prepare the guidance document(s) required by landowners.** A clear, rational basis for decision making is needed based on risk and data.
- As the risk of proposed Section V prescriptions increases, the use of the DFG pre-consultation route will become much more difficult. Some riparian zone practices are inherently more risky than others.
- Preliminary pathways are already provided in Section V for flood prone areas (916.9 (v)(5)) and high fire hazard areas (916.9 (v)(6)); we need pathways for the other potential Section V practices (e.g., conifer thinning, hardwood/conifer mix reallocation, etc.).
- It is possible to use existing watershed-scale limiting factor information for context assessment (e.g., TMDL documents, NCWAP reports, etc.), but more site-specific limiting factor information will be necessary as well. RPFs need to bring limiting factor information to pre-consultation discussions, and discuss this information/data with agency representatives so that the agencies can adequately review the Section V proposal.
- For CAL FIRE to approve any plan with a Section V site-specific proposal ("front-door" approach), it must result in effects to the beneficial functions of the riparian zone equal to or more favorable than those expected to result from the application of the standard ASP rules (see 916.9 (v)(1)).
- **Decisions are needed regarding whether off-site (i.e., outside the THP boundary) mitigation sites can be used in conjunction with Section V prescriptions to address the most pressing limiting factors in the watershed.**

VTAC Goals and Objectives Presentation

Mike Liquori provided a PowerPoint presentation titled “VTAC Goals: Setting the Context for Principles and Opportunities” (the PowerPoint is posted on the VTAC ftp site at: <ftp://frap.cdf.ca.gov/pub/incoming/VTAC/VTAC%20PPTs/>). The goal of this presentation was to help identify key goals for the VTAC effort. Mike stated that VTAC is generating a more process-based approach than a performance-based approach. Goals in Section 916.9 (v)(10) include providing guidance to landowners on the use of Section V, implementing pilot projects, and providing a template for addressing cumulative watershed effects. Organizing principles include developing a process that is landowner-driven (requiring incentives), collaborative, and innovative. The process needs to be applicable to all landowners (i.e., small landowners, mid-sized landowners without landscape-level permits, and large landowners with landscape-level permits). VTAC pilot projects are to be experimental and will require flexibility.¹

Desired outcomes from the VTAC effort include: (1) identifying clear landowner incentives to participate, and (2) developing a process that is driven by both watershed-scale and local limiting factors for listed anadromous fish species. In addition, the VTAC needs to outline ways to demonstrate project effectiveness and document with case studies (i.e., pilot projects) what works and what does not work. Preliminary incentive ideas include permitting relief/increased efficiency, and broadening incentives as much as possible to involve as many landowners as possible. In short, the VTAC needs to focus on: (a) broadening incentives, and (b) developing permitting efficiencies that properly balance the risks of negative impacts with the potential benefits to listed salmonid species. The Section V pathway will attempt to promote immediate (short-term) responses to active riparian management practices that might not otherwise occur under the more prescriptive standard ASP rule requirements.

Group Exercise to Identify Key VTAC Principles

Following Mr. Liquori’s PowerPoint presentation, he led a group discussion to identify where there is agreement on key VTAC principles. The key principles discussed included:

- Identify and prioritize VTAC principles, including those listed in the rule section (916.9 (v)).
- Provide sufficient incentives to include all types of landowners for Section V use (e.g., the process must be incentive-based for it to work, such as streamlining project permitting requirements, possibly with a WDR/Waiver relief opportunity).
- Short-term actions in riparian zones cannot jeopardize long-term resource values.
- Begin with watershed-scale and site-specific limiting factors for listed fish species and propose work to improve habitat conditions addressing these key identified

¹ Mr. Liquori stated that he is applying for a \$500K Small Business Innovation (SBI) grant that may be able to provide funding for monitoring involved with VTAC pilot projects. He added that VTAC members may be able to help frame how the grant application is written.

factors (i.e., have a clear objective in mind when developing a Section V proposal).

- Active riparian management has a valuable role in many situations, and can be used to promote short-term habitat improvement, critical for species such as coho salmon.
- Regulatory agency “deal-breakers” must be identified quickly (“up-front”), such as compliance with Regional Water Quality Control Board Basin Plan standards.

Mr. Liquori and Mr. Cafferata will prioritize the VTAC guiding principles list prior to the next VTAC meeting for review by the group.

Task Group Assignment: Development of Landowner Outreach Survey

Mr. Liquori proposed to the group that a subcommittee be formed to develop a short questionnaire for all types of landowners, as well as RPFs, regarding their issues and concerns about using Section V of the ASP rules. A key question is what it will take to entice landowners to use this process. **The following people volunteered to work on this questionnaire: Kate Sullivan, Kevin Boston, Matt O’Connor, Mark Lancaster, and Dave Hope. Mr. Ribar stressed that the questionnaire must be kept short and to the point. The subcommittee will develop a draft questionnaire and present it to the full VTAC after January 1, 2011. Pete Cafferata and Mike Liquori will set up a conference call by December 3, 2010 to begin this task.**

Redwood Science Symposium VTAC Abstract

Mr. Liquori stated that he had spoken with Dr. Richard Standiford, UC Berkeley, regarding the possibility of the VTAC providing a presentation at the Coast Redwood Science Symposium on June 21-23, 2011 at UC Santa Cruz (see the following website: <http://ucanr.org/sites/redwood/>). **Mr. Liquori stated that he would write a draft abstract for the symposium and circulate it to the group for their suggestions.** The final submitted version is posted on the VTAC ftp site at: <ftp://frap.cdf.ca.gov/pub/incoming/VTAC/>. The paper will be written by the committee and presented by the VTAC Chair, Mr. Liquori.

New and Old Business

Vice-Chair Election: The VTAC decided to wait until a future meeting to elect a vice-chair.

VTAC Charter: Pete Cafferata handed out a revised version of the VTAC Charter reflecting input from the last meeting. **No further suggested changes were voiced. Mr. Cafferata will provide a proposed final version to the next meeting so that the document can be finalized (the revised document without strikethrough and underline is posted on the VTAC ftp site at: <ftp://frap.cdf.ca.gov/pub/incoming/VTAC/>).**

VTAC Forms/Travel Reimbursement: Dennis Hall handed out Oath of Allegiance forms to VTAC members that had not previously signed the document and wish to be reimbursed for travel. This form allows travel claims to be processed by the State of California. **Claims for reimbursement are to be provided to Pete Cafferata at VTAC**

meetings. Each member will need to provide dates and times of travel, as well as all receipts related to VTAC travel expenditures.

Public Comment

Richard Gienger provided the group with a handout titled “Some Thoughts and Suggestions Regarding Pre-Consultation and Basic Information Needs for Three Types of 14 CCR 916.9 (v) Projects.” **He asked the group to read the document and be prepared to discuss it at the next VTAC meeting. The document is posted on the VTAC ftp site at: <ftp://frap.cdf.ca.gov/pub/incoming/VTAC/>.**

Future VTAC Meetings

Similar to this meeting, Pete Cafferata will send an email message allowing VTAC participants to select mutually agreeable dates using the online program “Doodle.” Multiple future meetings will be scheduled. The VTAC will attempt to have meetings in both December and January.