

# VTAC Meeting Minutes

April 27, 2011

Granzella's Inn Conference Room  
Williams, California

## Attendance

The following VTAC members attended the meeting:

Mike Liquori (Chair); Dr. Kate Sullivan, Dr. Kevin Boston, Richard Gienger, Peter Ribar, and Dave Hope. Dr. Matt O'Connor participated by conference line.

The following VTAC agency representatives attended the meeting:

Bill Short (CGS), Bill Stevens (NMFS), Drew Coe (CVRWQCB), and Pete Cafferata (CAL FIRE).

Attendees:

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

**[Action items are shown in bold print].**

## VTAC Announcements

Duane Shintaku and Dennis Hall briefly explained what was known about the Governor's Executive Order banning non-essential state employee travel issued on April 26, 2011. The Executive Order states that "All in-state mission-critical travel must be approved by agency secretaries..." and that "Permitted travel must be directly related to enforcement responsibilities, audits, revenue collection or other duties required by statute, contract or executive directive. Travel to attend conferences, networking opportunities, professional development courses, continuing education classes, meetings that can be conducted by video or teleconference or other non-essential events will not be permitted or paid for by the state." CAL FIRE has submitted a list of activities, including VTAC meetings, that would be allowed travel to the Natural Resources Agency for approval. **CAL FIRE staff will inform VTAC members and representatives when more is known regarding this Order.**

Pete Cafferata announced that the VTAC ftp site is available to the public, and that Kip Van de Water, UC Davis Ph.D. candidate, is available to speak to the VTAC at a future meeting. Mr. Van de Water is the senior author of a paper titled "Stand structure, fuel loads, and fire behavior in riparian and upland forests, Sierra Nevada Mountains, USA; a comparison of current and reconstructed conditions" (the paper is posted at <ftp://frap.cdf.ca.gov/pub/incoming/VTAC>). Mike Liquori suggested inviting Mr. Van de Water later in the summer of 2011.

## UC Santa Cruz Redwood Forest Science Symposium Paper

Dr. Rick Staniford, UC Berkeley, sent Mike Liquori an email message on April 19, 2011 informing primary paper authors that final, formatted papers are due on June

17, 2011. Papers will be published in the proceedings of the Redwood Symposium. The conference is being held at UC Santa Cruz on June 21-23, 2011 (see: <http://ucanr.org/sites/redwood/>). The abstract for the VTAC's paper is posted on the VTAC ftp site at: <ftp://rap.cdf.ca.gov/pub/incoming/VTAC/>. Preliminary ideas for the paper include background information, VTAC survey summary/data, information on the VTAC pilot projects guidelines and potential pilot projects, and concepts being considered for the final guidelines document. **The following people volunteered to help Mike Liquori author the paper: Pete Cafferata, Kevin Boston, Richard Gienger, and Dave Hope. A draft paper will be produced by the end of May for the VTAC to review.**

### **Summary of VTAC Outreach Survey Results**

Mike Liquori provided an updated summary of VTAC survey data resulting from the electronic survey sent to landowners, RPFs, agency personnel, and the public regarding their issues and concerns about using Section V of the ASP rules. The survey, along with an introductory video/PowerPoint, are posted at the following website: <http://calfirevtac.weebly.com/>. Survey results can be viewed at: [https://www.surveymonkey.com/sr.aspx?sm=HRn896hkJzL\\_2bvNdT0Kwg9Cy\\_2fjQRMbPY9a3o6aapnakQ\\_3d](https://www.surveymonkey.com/sr.aspx?sm=HRn896hkJzL_2bvNdT0Kwg9Cy_2fjQRMbPY9a3o6aapnakQ_3d) [password: riparian].

At the time of the meeting, there were 114 survey participants, up from 84 when the VTAC last met on March 29<sup>th</sup>. Currently, there are 121 responses. Pete Cafferata stated that he sent the survey announcement to the Salmonid Restoration Federation (Dana Stolzman), Mattole Restoration Council (Seth Zuckerman), Buckeye Conservancy (Ruthann Schulte), Northern California Council Federation of Fly Fishers (Mike Laing), Forest Landowners of California (Bill Keye), and the Sierra Club—Sacramento Office (Michael Endicott) on March 30<sup>th</sup>, as well as to RWQCB representatives, NMFS, and Pacific Watershed Associates. Response from agency representatives was strong, but there were few additional responses from the public or advocacy groups (~5%). **The VTAC instructed Pete Cafferata to send a follow-up email message to the advocacy groups, explaining our concern regarding the very limited response from the public. Pete Cafferata completed this task on April 29<sup>th</sup>, and currently 9% of the sample is from the public or advocacy groups (as of May 2, 2011).**

In addition to the public/advocacy group response, landowners and land managers produced 39% of the sample, agency staff 33%, and consultants 19%. Currently, 53% of the respondents are RPFs. Approximately 70% of respondents had either detailed or moderate knowledge of the ASP Section V rule, and 87% of the respondents are either very or somewhat knowledgeable of the California Forest Practice Rules. Mike Liquori stated that he will summarize the salient points from the survey and include them in the Redwood Forest Science Symposium paper.

### **Discussion on Concepts Related to the Pilot Projects Guidelines Document**

A general discussion took place regarding key concepts related to Section V projects and the Pilot Projects Guidelines document. Points raised included:

- A systematic approach for collecting monitoring data that produces valuable information is needed, and yet it can't overwhelm landowners (D. Shintaku and P. Ribar).
- Generating different types of riparian prescriptions (produced from situation sentences) that are available to landowners in the appropriate physical settings is critical (i.e., what prescriptions would the agencies be willing to consider?). For example to produce reduced fuel loading in riparian zones, there would be group of potential prescriptions to consider. The prescriptions generated would dictate the types of monitoring to be used (K. Sullivan).
- Will prescriptions allow thinning of limited numbers of co-dominant trees in the Core and Inner zones of WLPZs? This is a key question that must be addressed. Where this practice would be allowed needs to be defined (K. Sullivan).
- It is appropriate to set "boundaries" for operations in riparian zones—where thinning is justified, and what tools are available to make a legitimate case for this practice (e.g., modeling, etc.)? (K. Sullivan). How can we identify where there are "surpluses" in riparian zone?
- Developing possible prescriptions is more important than focusing on riparian functions. Start with the prescription, then test its impact on a set of riparian functions (K. Sullivan).
- It is possible that the number of possible situation sentences/riparian prescription scenarios will rapidly overwhelm the system (M. Liquori).
- Field situations to test these concepts are to be located on Soquel Demonstration State Forest for the VTAC's June 21<sup>st</sup> field meeting.
- **The VTAC Pilot Projects Guidelines Refinement Subcommittee will meet in May to work on the guidelines document, considering the above points.**

### **NMFS's Focus Watersheds Studied in the CCC Coho Recovery Plan**

Dr. Matt O'Connor remotely presented a detailed table he produced listing potential pilot project watersheds, fish species present, and NMFS Coho Recovery Plan findings on watershed limiting/constraining factors for fish production. While Matt found a many similarities from one watershed to another for prioritized recovery strategies, there were also differences—particularly in the more numeric detailed tables. Data from the 28 focus watersheds were stated as providing a good starting point for defining factors constraining fish biomass and numbers. This type of information is appropriate at a watershed scale and is generally not appropriate at the project scale. Information from the Coho Recovery Plan should be used with other available information (e.g., NCWAP reports, DFG survey information, watershed studies, etc.). **The VTAC agreed that it would be appropriate to have a list of potential information sources available to RPFs for setting the watershed "context" and that this summary should be included in the final VTAC guidance document. Dr. O'Connor agreed to generate a draft list of information sources along with a paragraph describing the source and its web location.** Dave Hope suggested reviewing the 1996 document titled "Coho Salmon:

Biological opinion and 2090 agreement for timber harvest plans south of San Francisco Bay”, which includes numerous sources of information on watershed limiting factors.

### **Test of the Pre-Consultation Guidance Document on Soquel Creek**

Pete Cafferata summarized a test of the draft pre-consultation guidance document using the East Branch of Soquel Creek watershed and the Fern Gulch THP (assumed, since the large wood project is not actually part of the THP). General project information categories in the guidance document were selected by highlighting choices; relatively short paragraphs were provided for the project description categories, with the exception of the technical justification—which was longer. It was suggested that the document should have: (1) provided additional watershed context information, and (2) provided more detailed information on potentially controversial topics (e.g., channel disturbance, downstream wood movement and potential impacts to infrastructure).

Several VTAC members stated that it must be remembered this is a voluntary document with no requirement for its completion in the Forest Practice Rules; its main value is to reduce uncertainty without requiring a plan proponent to initially complete a full analysis. **Mike Liquori stated that he would provide detailed edits to the document to improve its value to the reviewing agencies, particularly related to fish habitat. He asked the Pre-Consultation Subcommittee to revise the document (without the EB Soquel Creek information) prior to the next VTAC meeting. Dave Hope suggested that photos and graphics should be added.**

### **NMFS Comments on the Federal ESA and THPs with Section ASP Section V**

Bill Stevens provided a detailed handout that: (1) provides Section V language, (2) shows NMFS comments on the proposed Section V language, and (3) lists potential options to comply with the Federal Endangered Species Act (ESA). The potential options for compliance are:

1. Conduct a THP that will not result in ‘take’ of federally listed salmonids (could be accomplished by complying with NMFS’s 1999 Draft Salmonid Conservation Measures for Forestry Activities for a Short-Term HCP).
2. Conduct a THP via Section 7 of the ESA (requires a formal consultation between the agency and NMFS and/or USFWS; results in a biological opinion (BO) within 135 days).
3. Enter into a Safe Harbor Agreement (SHA) (a voluntary agreement involving private or other non-Federal property owners whose actions contribute to the recovery of federally listed fish species).
4. Develop a Habitat Conservation Plan (HCP).
5. Enroll in a General Conservation Plan (GCP) (a master plan which would enable NMFS to expedite the regulatory and permitting process for administering incidental take permits and would provide necessary conservation measures to help recover listed salmonids).

The first option requires extensive buffers exceeding the ASP rules for Class I, II, and III watercourses. The second option, the Section 7 of the Federal ESA, is extremely hard to apply to the entire THP area, with typical activities that include road building, yarding, etc. For example, the existing NMFS 2006 Programmatic BO for small instream enhancement projects only applies to activities in the stream channel. The third option (SHA) was stated as likely not being a good fit for timber operations and riparian stand management. The HCP option is a long, arduous process for an ownership with considerable expense; application of a short-term HCP for a THP is untested to date in California. Similarly, the General Conservation Plan option has not been used for listed fish species.

In summary, there are not good pathways for individual THPs when dealing with the Federal ESA and listed anadromous salmonid fish species. NMFS staff recognize the challenge when dealing with the 'take' issue, leaving landowners and the agencies liable. Bill Stevens stated that the simplest approaches are either having an HCP for incidental take or using the no-take guidelines, but neither are acceptable to most small to mid-sized landowners in California. Duane Shintaku stated that landowners without an HCP generally are looking at using "acceptable risk" practices. **Mike Liquori informed the VTAC that we need to explore with NMFS staff methods to address the Federal ESA requirements that will be productive without eliminating the VTAC process.**

### **Next Meeting**

**The VTAC will hold a field meeting during the afternoon of June 21<sup>st</sup> at Soquel Demonstration State Forest to view the East Branch of Soquel Creek, starting at 1:00 p.m. Pete Cafferata will email the committee a map and detailed driving instructions. The initial meeting site will be the SDSF Headquarters, 4750 Old San Jose Road, Soquel. Pete will work with CAL FIRE's Rich Sampson and Ed Orre to locate appropriate field locations to discuss varying riparian management strategies, as well as to view large wood placement sites.**

**Additionally, the VTAC Pilot Projects Guidelines Refinement Subcommittee will meet in May to continue their work on the guidelines document.**