

## Technical Advisory Committee (TAC) meeting notes – March 2, 2010

Chair: Ryan Bonea

Chair Ryan Bonea opened the meeting with self introductions. The following were in attendance: Scott Rice, Mary Fahey, Margie Graham, Denise Reichenberg, Gregg Werner, Ladybug Doherty, Mike Rogner, Kelly Moroney, Tracy Fenton, Maureen Teubert, Ashley Indrieri, Helen Swagerty, Robert Sanchez, Tom McCubbins, John Merz, Buford Holt, Randy Jero, Naseem Alston, Beverley Anderson-Abbs, Rob Irwin and Ellen Gentry.

### Announcements

The SRCAF Board Policy regarding Proposal/Project Review was reexamined. The policy requires that a project be entered into Project Tracker at least ten days prior to the next TAC meeting and be on the TAC agenda as a New Project or Proposal. The project is presented to the TAC for discussion, with attention given to how it meets the principles and guidelines of the SRCAF Handbook and a letter may be requested. If found to meet the principles and guidelines, project information and the TAC recommendation will go to the Board, which would vote on sending a letter stating the project meets the principles and guidelines of the SRCAF Handbook. It is important that the project proponent attend the Board meeting to respond to any questions that may arise.

A PowerPoint presentation was given on the Basic Principles and Management Guidelines in project evaluation, and a handout was distributed. The SRCAF goal and six guiding principles are available on the SRCAF website.

### Activity Reports

Department of Water Resources - Scott Rice, URS, reported the USACE has released guidelines for a variance on the **ETL** (Engineer Technical Letter concerning vegetation on levee). A variance may be given on the lower 2/3 from the top of the levee to the water and beyond 15' on the land side of the levee. The guidelines require approval from the regional task force and headquarters. The proposed policy is accepting comments until March 11 and is listed in the Federal Register at <http://www.regulations.gov>. The framework document ensures when the plan is in place PL84-99 repairs can be made. DWR strongly recommends against any policies that delay construction for critical repair.

Gregg Werner added that this really affects constricted Sacramento areas, not so much above Colusa where levees are generally back off the river. A USACE technical workshop on Sac Bank indicated that without a variance, all landscaping of woody debris on emergency projects would have to be removed. SAFCA is working on a variance. There are 25 sites designed for repair, but none are within the Conservation Area unless we have a flood event that requires it.

The **Non-Urban Levee Evaluation** (NULE) team is continuing field explorations along the west bank of the Sacramento River.

The **Central Valley Floodplain Evaluation and Delineation** (CVFED under FloodSAFE) LIDAR topo survey information will be available this summer and should provide contour data along the valley. This information will not include much of the Forum reach. The Central Valley Flood Management Planning Program (CVFMPP) process regarding the valley wide summary report has been delayed until late March. The State Plan of Flood control comment period ends today.

Other updates: Gary Hester has left DWR and has been replaced by Jeremy Arrich. Lester Snow has been appointed Secretary of Natural Resources by Governor Schwarzenegger. Mark Cowin has been appointed Director of Water Resources, and Dale Hoffman-Floerke is Deputy Director.

CA Dept. of Parks and Recreation – Denise Reichenberg gave an update on numerous areas:

**Idle Adobe Park** (RM 247) -The Visitor Center is being redone with the help of donations at continuing events. No habitat restoration is planned.

**Woodson Bridge State Recreation Area** (RM 219) - is continuing to work with the Kopta Slough project team. The river is continuing to erode the bank and Parks has had to closing hiking trails. A mastication project at the reserve has just been completed on the non-native black walnut and fig.

**Bidwell- Sacramento River State Park** (RM199-193) - is working with River Partners on the Irvine Finch property next to the highway, putting in plants landside. They are also planning for summer float crowds.

The **J levee** is being monitored. A compromise has been worked out regarding the continuous fence along the levee around the National Wildlife Refuge. The fence will be located on the land side of the levee with a series of 18 gates. When flood threatens, the gates will be opened for animals.

**River access at Pine Creek** (RM196) south of Scotty's - A negative declaration has been completed for the boat ramp and a permit is in CVFPB. The project will move forward when permits are in place. The design is for recreation which will help to accommodate the float crowd.

The **EIR** is complete for several parcels at **River Park** (RM195). The office will eventually be moved to the **Nicolaus** property and turned over to State Parks. It will include a parking lot and habitat restoration. The Nicolaus parcel is currently under Williamson grant so no big activity is expected until that runs out in eight years.

The **Singh** parcel (RM194) is included in the EIR. Permits are in with CVFPB. Funds are provided through CalFed grant for plants and trails. An RV Park has been removed from the EIR. There will still be walk-in camping.

**Big Chico Creek Access**- invasive plant control work is continuing.

The **Gaines** parcel (RM168), Butte City – a negative declaration has been completed involving 6.8ac. Permits are in and waiting for review. Funding is available once permits are in place.

**Colusa State Recreation Area** (RM145) - Restoration has been completed on the Ward parcel. They are taking on their first winter and flood season. Silting in the boat channel makes it difficult to launch boats. An Army Corps dredging permit is needed to open the boat channel. They are working with the City of Colusa and the Department of Boating and Waterways to move the project forward.

**Sutter Buttes** has guided tours on the north side across private properties. However, State Parks will not be running any tours this year due to budget issues. The Yuba Historical Society and Middle Mountain Society are continuing tours.

TNC - Gregg Werner gave a **Hamilton City** project update. Project engineering design is essentially complete. The document cannot be finalized until funding is determined. District 2140 is expected to sponsor the construction phase. Assembly Bill 74 has been approved. It is hoped to be in the Federal budget for 2011 and will include construction funds. The remaining Dunning Island acquisition is expected to close in the fall.

John Merz asked if the Forum could sponsor a meeting on the Hamilton City project and questioned if the rock revetment has been left in place. Beverley will look into providing an update. Gregg Werner added that the levee district will be having a mail-in vote for a continuation of the maintenance assessment. Presentations and updates are anticipated April 23. More detail will be available at the next TAC meeting.

USFWS - Kelly Moroney reported on the **Capay Unit**. TNC is finishing the CalFed funded restoration of 570ac which is included in the 2005 conservation plan. This will open an additional 660ac for public access, hunting, fishing, and interpretation, in late March or early April and has been funded by the Wild Turkey Federation. A tour is planned in May. Kelly will keep the TAC updated. Eighteen properties are now open for public access.

Colusa RCD- Mary Fahey reported Colusa Co. RCD has finished the **Colusa Basin Watershed Assessment** and Stream Analysis, which is available on their website. They are launching a management plan and forming a TAC. Information will be provided as it becomes available. Beverley offered to send out notices and put a link on the Forum website to help get the word out.

BLM - Beverley gave an update on the **Bend Area NRA** on behalf of Kelly Williams, who could not attend. The Bend BLM includes approximately 18,000ac. Senator Boxer and Congressman Herger have written two bills to have the area designated a National Recreation Area. Sierra Nevada Conservancy is hosting a tour of the area on Thursday along with the Sierra Pacific Biomass Plant. Contact Beverley for more information.

Sutter County RCD - Ryan Bonea reported SCRCD has completed the watershed assessment on the Feather River.

Tehama County RCD - Funding has been received from USFWS for an assessment of Antelope Creek. They are working with Stillwater Sciences and Los Molinos Water to determine where the water is flowing at certain times and which areas are suitable for fish passage improvement. Also TCRCD is working on watershed assessments which should be complete by April or May.

DWR - Margie Graham reported on the CalFed Watershed project's completion of Stony Creek watershed restoration plan and lidar survey, a fish barrier survey on the west side creeks in the Redding area (Middle Creek and Olney Creek), and the development of a watershed management plan for these same creeks.

### **New Projects or Proposal Review**

There were no new projects at this time.

### **Current Project Updates**

Riparian Sanctuary Phase II Project (PT 110) – Michael Rogner, River Partners, reviewed studies to explore measures to protect the Princeton Cordora, Glenn and Provident Irrigation Districts' (PCGID-PID) pumping plant and fish screen facility and develop management options for the Riparian Sanctuary. The current issue is the river migrating past the pumping plant. This restoration area involves 500ac of the 950ac unit. Phase I looks at potential alternatives for restoration and to protect the pumping plant. Phase II is evaluating technical information to satisfy environmental and permit compliance and data feeding into documents. Funding will be sought for the joint project.

Visit: [http://www.sacramentoriver.org:81/ProjectTrak/ProjectTrack\\_Details.aspx?var1=110](http://www.sacramentoriver.org:81/ProjectTrak/ProjectTrack_Details.aspx?var1=110).

Colusa SRA Habitat Restoration Project (PT147) – Michael Rogner, River Partners, reported on habitat restored on 139ac within the State Recreation Area, formerly the Ward Tract, as mitigation for habitat removed during the clearing of the Tisdale Bypass Channel Rehabilitation Project (PT124).

A mixed riparian design includes 40 species of trees, shrubs, vines and native grasses. Grass will be a component in aisle ways, and will be mowed once weeds are caught up to grasses, or when weeds are about to seed. The site will eventually include walk in camping, about two miles of trails, and beach access as outlined in the Master Plan. River Partners will do maintenance.

The project is part of the Colusa Subreach Planning project (PT38), Colusa Sacramento River State Recreation Area Planning (PT118), and related to the Colusa Boat Ramp (PT122). For more info visit: [http://www.sacramentoriver.org:81/ProjectTrak/ProjectTrack\\_Details.aspx?var1=147](http://www.sacramentoriver.org:81/ProjectTrak/ProjectTrack_Details.aspx?var1=147)

### **SRCAF Programmatic Safe Harbor Agreement Review**

Beverly reported on the history of the SRCAF Safe Harbor Agreement development and gave a summary of the SHA. Initial SHA discussions began in 2001 with work beginning in earnest in 2005. LAC/Legacy grant discussions reviewed it as a possible way to provide regulatory assurances, but tried to create a new program that had a hard time getting traction. When the Legacy grant closed, the Board moved forward on the SHA as its own document with plans to work on the other pieces of what the LAC had wanted separately. She indicated the SHA has been discussed at TAC meetings, Board meetings, and public meetings specifically concerning the Agreement. Staff has given presentations at numerous meetings of other entities, and the document has been on the website for review and comment since 2007. Notice went into the federal register on December 21 for a 30 comment period ending January 20. The Forum sent a letter requesting the

comment period be re-opened for an additional 30 days. Notification will be sent for the new comment period when received. The SHA is on the March 18 SRCAF Board agenda and representatives from USFWS and DFG will be in attendance to answer questions. The agreement is available in its entirety on the SRCAF website.

Different issues and species throughout the SRCA were considered in crafting the SHA. Landowner information amounts to one page per species the landowner is interested in protecting. The seven listed species include: valley elderberry longhorn beetle, giant garter snake, western pond turtle, Swainson's hawk, bank swallow, willow flycatcher and the western yellow-billed cuckoo.

The voluntary agreement is a conservation tool, providing regulatory assurances for landowners, promoting voluntary management for listed species on non-federal lands and providing net conservation benefits to listed species. Individual cooperating landowners would come to the SRCAF for an incidental take permit and would not have to deal directly with agencies. Many endangered/threatened species occur on private property so landowner involvement in conservation and recovery is crucial. Future property-use limitations will not occur without landowner's consent, encouraging restoration and species recovery.

Baselines are kept private and may be covered by the current SRCAF grant, unless a landowner chooses to hire private consultants. Conditions will be determined by a survey of the enrolled property's habitat by qualified people (not necessarily by agency staff). Surveys are non-intrusive and not necessarily done on site (i.e., aerial surveys could be used to show there is no yellow bill cuckoo nesting habitat on a piece of land with row crops for example).

As the Program Administrator, SRCAF will hold the permits for the Agreement. They enter into Agreement with private landowners and issue a Certificate of Inclusion, compile annual reports from cooperators, ensure surveys are conducted on enrolled properties, notify USFWS/DFG of the presence of covered species and enforce the terms of the Agreement. Private information is housed with SRCAF and not included with general agency reports.

Each Agreement specifies a unique set of riparian restoration, enhancement and/or management activities to be carried out and a timetable for implementing those activities. Routine management activities include ongoing agriculture activities, flood control facility maintenance, public infrastructure and hardpoint maintenance and protection, water diversion and irrigation facility maintenance and operation, and habitat restoration activities. Depending on the property and species involved, the agreement may be fairly simple (i.e., a fence around a pond to protect the western pond turtle).

Property owners benefit because a SHA provides assurances against additional future regulatory restrictions, authorizes incidental take for lawful ongoing activities (farming, recreation), authorizes returning to pre-Agreement conditions and provides for extending assurances to neighboring landowners.

The Agreement/Permit Duration will be in effect for 30 years. Cooperative agreements developed will be in effect for at least 10 years. The agreement can be extended, or landowners can end the agreement at any time. A SHA does not lower the value of property. If the property is sold, the agreement is between seller and buyer and can be rolled over or cancelled with a 30 day notice, if desired.

Lady Bug pointed out the scorched San Joaquin area where all habitat is wiped out because people don't want anyone to find endangered species, and asked if this is a way to stop that. Beverley noted that if people sign on and allow things to grow, they don't have to have the fear about those species at a later time. The ultimate goal of the SHA is that enough good will be done that species can be taken off these endangered lists.

Questions were raised:

If the landowner next door is planting elderberry bushes and I'm going to have them too, can I sign on as a neighbor? Yes, and you're covered. Neighbors signing on would need a baseline survey.

What if new species are listed? Species can be added or removed from the agreement. It may be possible to use baseline determinations from when the agreement was initially signed. Sometimes it can be a good idea to keep a delisted species in so it gets past the point of being endangered again.

What if the baseline number of species is not kept naturally (i.e., Birds move; one year the birds may not come back)? The baseline is based on habitat not animal numbers. The important step is to entice participation for restoration.

Would landowners be given assistance with permits and recording requirements? Yes. Beverley noted SRCAF has had emails from three landowners that are interested. SRCAF can work with different groups to find funding sources and help with restoration and management plans. It is important to note however, that if a landowner uses state or federal money for a restoration project there will be requirements associated with that contract (i.e., a CalFed grant), a landowner would likely not be able to remove habitat paid for under those conditions. Likewise, there may be other permits necessary for a project, which the SRCAF could help secure. Neighbors next to restoration could enroll for protection as well and not have to do anything on their property.

Ashley Indrieri asked about the contract being held up in a court of law. She noted she had a letter from a private attorney full of cons, downfalls, and liabilities to the agreement. She asked how the Service could do such a program as it is in direct opposition to the Endangered Species Act. It was explained that the Safe Harbor Agreement is a part of the Endangered Species Act (Section 10) and not in opposition (similar to section 7 which covers activities with a federal nexus for incidental take). She felt it would be prudent for the SRCAF to have an attorney look at the SHA before putting it in place. Beverley explained there was no budget for legal work in the grant. If a third party lawsuit were to be filed, it would be against USFWS. The umbrella protects landowners and the administrator.

Are state lands eligible? USFWS is open to negotiating, and there are options to possibly add more from DWR. Denise Reichenberg, State Parks, commented that if the state was able to enroll and had to phase in trails, they might be allowed to cut trails in restoration area(s).

Ashley commented on the need to overcome the fact that this program is a top down approach, from agencies down, and the need to explore problems. She added that benefits have great potential.

#### **Next Meeting Date and Location**

The next TAC meeting was scheduled for Tuesday, April 6, at Willows City Hall.