

Technical Advisory Committee Meeting (TAC) Notes – July 12, 2005

Chair – Anjanette Martin

Vice Chair – Stacy Cepello

Chair Anjanette Martin opened the meeting with self introductions. The following were in attendance: Henry Lomeli, Tricia Parker, Brenda Olson, Kelly Moroney, Kelly Williams, Woody Elliott, Alex Cousins, Gregg Werner, Shirley Lewis, Dan Efseaff, Annalena Bronson, Jeff Sutton, Brendan Reed, Tricia Bratcher, Ajay Singh, Catrina Martin, Butch Hodgkins, Burt Bundy, Beverley Anderson-Abbs, and Ellen Gentry.

Announcements

M&T will be holding a Pumping Plant Information/Early Scoping Meeting July 27, 2005, 3:00-5:00PM, at Glenn Pheasant Hall, 1522 Hwy. 45 in Glenn. This is a public information meeting, CalFed Feasibility Study Status Update, regarding the long-term solution for water supply reliability for the M&T/Llano Seco Ranches. Kelly Moroney explained the difference between groins and windrow: rock groins increase the velocity of the river; windrow rock is stackable on the bank and launchable into the river. He commented that the launchable windrow rock is not permanent, but would prevent the river from migrating away from the M&T pumping plant until a permanent solution is determined.

The Sacramento River Landowners Incentives Workshop will be held July 28, 1:30-4:30PM, at the Monday Afternoon Club, 120 Lassen St., in Willows. This workshop will provide a discussion between farmers and those groups that provide incentives for conservation programs on private land. Speakers (including NRCS, F&W and F&G) will be discussing conservation easements, grant availabilities, technical assistance, alternatives for riparian areas and properties along the river, as well as how multiple programs can be put together. A panel of landowners will add input (including Brendon Flynn, Ben Carter, Don Anderson and Marc Faye). Notifications will be mailed tomorrow and printed in local newspapers. Other suggestions are welcome.

Kelly announced an EIR public meeting on the Pine Creek Unit and Dead Man's Reach Unit will be held July 25, at the Community Center, from 6:00-8:00PM. He mentioned the Comprehensive Conservation Plan (CCP) meeting last week had a small turnout. The second of three CCP public scoping meetings, for the rest of the refuge, will be held tonight at the Colusa fairground, 6:00-8:00PM.

It was also announced that CalFed has a new PSP, working landscapes, on their website (calwater.ca.gov), under the direction of Jay Chamberlin, Ecosystem Restoration Program staff at the Bay Delta Authority.

Public Comment

There was no public comment at this time.

Activity Reports

River Partners – Dan Efseaff gave an update on the Riparian Sanctuary. Two reports are available: a restoration feasibility study and hydraulic modeling. Hard copies are available in libraries and on disc. Dan would like to do a presentation on both at the next TAC meeting. River Partners is asking for comments and will have the final documents completed by the end of September.

Colusa Subreach – Gregg Werner reported the Colusa Subreach Advisory Workgroup is continuing to meet, focusing on eight restoration sights from Princeton to Colusa. The AW has gone through the process of identifying major concerns and is now working on hydraulic analysis, two dimensional modeling of the proposed restoration projects, local and fiscal impacts, endangered species impacts (adding to cross boundaries), the Ward tract, and recreation plan(s) for the Subreach. He is working with the AW on scopes of work, and will begin in the fall or early winter.

Big Chico Creek – Woody Elliott announced the Peterson riparian addition includes a car top boat launching facility, a parking lot, trail and environmental campground.

River Road – Woody Elliott briefly reported that realigning River Road inland is cost prohibitive, so currently a quick-fix is being looked at. There is a request to incorporate River Road with M&T. Existing bank protection at the road washout will remain in place, extending rock and keeping the road open. They are now into the permitting process. Rock in that location might exacerbate the river movement further downstream.

Current Projects/Updates

There were no current projects or updates at this time.

New Projects or Proposal Review

There were no new projects or proposal reviews at this time.

Cross Boundary Issues Sub-Committee Update

The sub-committee had no updates at this time.

Identification and Discussion of Questions for a Programmatic Safe Harbor Agreement

Burt Bundy reported that Robert LaFleur gave a presentation on a Safe Harbor Agreement (SHA) at the last SRCAF board meeting, in June. At that time the board gave Burt direction to look into SHA and report back to the executive committee. The executive committee then gave Burt further direction to investigate plusses and minuses going into an SHA. Robert has since moved to Atlanta, Georgia, so Burt invited Catrina Martin, Sacramento Fish and Wildlife, to the TAC to assist in addressing questions, issues and concerns before SRCAF enters into a negotiating agreement.

Burt then gave a brief summary of an SHA, which deals with reducing the impact of various endangered species on neighbors and farmers (not with management issues such as predation and crop losses). Cooperators can sign on to do conservation restoration and/or BMPs; while neighbors can sign up for incidental take without being involved in any restoration or conservation. Individual baselines may be developed with SRCAF assistance. In a Programmatic SHA, landowners can choose not to participate; it is voluntary. There have been a lot of myths and questions, so this was considered an opportunity to address some of the issues that may, and have, come up in dealing with impacts to farmers, landowner incentives and protections.

Who can sign up?

Any landowner with property within the conservation area is eligible to sign up. Those that do sign up then have a baseline assessment done. Individual baselines may be developed with SRCAF assistance.

What are the benefits for landowners to get involved in a Programmatic SHA?

No mitigation is needed if a farmer is signed up as a cooperator. For example: If a group such as TNC or River Partners is signed up as a cooperator and has put in elderberry, increasing above the baseline, a farmer may be able to take out the elderberry using credits within the covered area for incidental take. Catrina Martin added that increasing from the baseline in different areas can be shifted within the area of a Programmatic SHA agreement.

Who pays?

Trica Bratcher commented that Cottonwood Creek Watershed had problems establishing baselines, who pays, etc. Catrina noted that this is a nationally talked about subject; how to come up with baseline and monitoring and work to get specific money dedicated, for which landowners can apply. There is long-term work being done for more stable funding. This is a limiting factor as we try to grow this program. Burt added that finding funding is key in discussions of setting up an agreement.

What about neighboring cooperation?

Enrolled neighbors receive incidental take coverage for ongoing activities. Catrina added that neighbors are not liable for harm as long as what they were doing is within the agreement.

Landowners adjacent to F&W property can sign up as neighbors, if they are within the covered area.

What if you don't sign up and are surrounded by cooperators?

You are in status quo and don't benefit.

Jeff commented that the timing of this discussion undermines the Legaci incentives dialogue, a dialogue he supports and in which he participates. Burt explained that the Legaci group's ongoing discussion centered around three components; a SHA, Section 7 Consultation, and Landowner Incentives. The discussion of Safe Harbor came up independent of those conversations and is driven by funding opportunities. He added that the development of a SHA will take quite a bit of time, and believes that both discussions would run parallel, with the Legaci discussions influencing the SHA.

Can you have incentives without protection under an SHA (Dan Efseaff)?

Jeff stated they're tied together. He expressed concern regarding the financial impact on private tax rolls and the need to stop acquisition. Jeff stated that the Landowner Assurances Committee had long discussions and felt there was not overwhelming support of landowners. He remarked that both sides (landowners and environmental agencies) should be heard. He brought up one of the first SHAs, Paramount Ranches that was done three years ago and questioned the problems encountered there. Catrina stated the Paramount SHA, involving Kit foxes, took more time than anticipated.

What species would be covered (Jeff)? Are fish included (Jeff)?

What about habitat that has occurred to date (Jeff)?

Jeff said he understood that CalFed money cannot be used for mitigation, that their goal was a net benefit increase, but he would double check.

Is SRCA appropriate to administer the SHA (Jeff)?

Jeff didn't feel the SRCA built trust with landowners. He stated no agricultural groups are committing to Safe Harbor, and questioned why TNC and River Partners were listed as cooperating conservation groups (in the Safe Harbor Summary Draft 7-11-05). Beverley explained that TNC and River Partners were used as examples of groups doing restoration.

Annalena encouraged providing money for restoration, clean water and environmental benefits and expressed the need for efforts to meld together.

Anjanette remarked that even though agencies have programs, landowners want one process that will address needs. The result is permit streamlining. Both sides are looking for a process.

Jeff stated that ESA has two main impacts; incidental take and mitigation.

How can we get credit for benefits to the area, and monetary incentives reducing flood control, etc. (Jeff)?

Catrina remarked that if federal money is coming in, Section 7 can be piecemeal, but it can be approached from a landscape viewpoint with a Programmatic SHA.

Are there landowner discussions with the Department of Agriculture and NRCS incentives off the shelf (Dan)?

Burt stated the Landowner Incentives Workshop will help identify initial steps and discussions in Legaci. Anjanette commented that the TAC has explored different tools agencies have to address issues, and gave a brief history of Legaci. She felt agencies cannot meld.

Burt reviewed the definition of a Programmatic SHA covering a large area with multiple landowners under one permit holder. He reviewed baseline surveys, commitment to activities, everyday management activities, and a certificate of inclusion resulting in incidental take coverage. Neighbors commit to a lesser level. It is an umbrella permit under which landowners can sign on and agree to active restoration or as neighbors.

Shirley added that an SHA has regulations with some room for individualizing. Katrina commented that it is tailored for landowners. No one has to agree. The program is initiated to work hand in hand to grow habitat for listed species. If there is no habitat, it can "grow-up" habitat. No landowners have yet wanted to take out habitat. It gives reassurances without worrying. Typically these are ten year agreements with an option to extend. She gave a state equivalent (i.e., F&G), Legislative Act 2080.1.

Jeff commented that in the agricultural setting, there is an automatic state farming exemption. He felt there could be flood control problems.

Burt pointed out that anadromous fish are an aquatic (not terrestrial) species. He asked if we should approach selecting fewer species or only federal programs to cover fish. He is also having discussions with Susan Kester.

Beverley noted that anything with an SHA is negotiable. Overall baseline may be done by using GIS and other tools, if landowners sign on as cooperators or neighbors. There would be no direct contact with the government. The administrator would have that contact. If the Landowner doesn't like the baseline, information does not go any further. If landowners sign on, information goes to the administrator and is not public information.

Shirley noted that plants are permanent, and mentioned cyclical problems she had with tree frogs in the past. Tricia added that there are established protocols for species to establish a baseline (i.e., suitable habitat). Beverley stated that the baseline would be zero for many areas.

Gregg Werner stated there is potential benefit for private landowners and public agencies that maintain channels, giving the example of Colusa Subreach having the potential for VELB and providing incidental take. He suggested organizing so that flood control projects can be simpler and cheaper for broad benefits in restoration and landowner projects. There is an advantage to the whole area, to get the most for both public and private sectors. He cited one Programmatic SHA coming together on Feather River. He emphasized that there doesn't have to be conflict. Katrina added that the grape growers SHA will be successful.

Can a CalFed project be approved as credit (Jeff)?

Catrina stated that it will be part of the baseline. If projects have already been restored, important questions are: at what point did discussions begin and is there a document saying such. If so, an elevated baseline can be used.

Does another project increase the baseline (Jeff)?

Burt said it would depend on sources of funding. Jeff noted the state funding is coming from CalFed.

Dan remarked that there is little permission granted to plant elderberry bushes. Annalena noted that flood control is pursuing and documenting elderberry bushes and it is a big problem, because five seedlings per unit can cost \$2,500.00. Dan added that River Partners has been involved in an SHA with net benefit(s). Brendan Reed expressed concern that if we do our baseline now and find 10,000 plants, and in a few years we increase that to 14,000 plants, if someone then takes out 4,000 plants the increased habitat is lost. Tricia Bratcher stated that in the Cottonwood Programmatic it this concern never came up because the programmatic covers individual permits identifying their baseline. Anjanette commented that it has been stated that a goal of the SRCAF is that the SRCA be self mitigating area. Beverley explained that if something happens to lower the baseline, a landowner can contact the administrator and explain the situation for adjustment to a lower level.

Anjanette suggested that you won't get the answers until you go through the process. Burt added SHAs can be developed to fit your needs. Annalena recommended trying to work on restoration areas and getting CalFed to work with the Reclamation Board.

Who negotiates in a Programmatic SHA for the landowner (Jeff)?

Catrina proposed landowners have a qualified and appropriate representative from a designated number of people.

How long do they take (Anjanette)?

Catrina said a Programmatic this large can take a couple of years. Tricia said they started in May 2003, which took a year and 3-4 months. They are now in review. Katrina suggested that in the meantime, look at Colusa Subreach. It depends on people, energy and money. She expects a biologist on board by the end of the summer, so the internal review process will speed up. This will include Katrina, Ken Sanchez (F & G Representative and SRCAF board member), and the new person.

Burt will outline to the SRCAF board the benefits and responsibilities of a programmatic SHA, and suggest that we should continue this discussion to craft an agreement.

Beverley asked that any suggestions, questions or concerns be emailed to her (banderso@water.ca.gov). She stated the more we know up front the better we can negotiate.

Next Meeting Date and Location

The next TAC meeting was set for Tuesday, August 2, 9:30AM, at Willows City Hall.