



Central Coast Forest Association

Caring for forests, protecting our land

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Date: 11 December 2012

To: Senator Barbara Boxer
70 Washington Street, Suite 203
Oakland, CA 94607

From: Central Coast Forest Association
P. O. Box 66868
Scotts Valley, CA 95066

Dear Senator Boxer,

The Central Coast Forest Association (CCFA) is an organization comprised of forest landowners, resource professionals and others concerned with forest issues and land use policy in the Central Coast region of California.

CCFA has reviewed the recently-released “Recovery Plan for the Evolutionary Significant Unit of Central California Coast Coho Salmon” compiled by the The National Marine Fisheries Service (NMFS). We find this plan is a template for failure that understates its implementation costs by hundreds of billions of dollars. We urge you to oppose this plan until its many flaws have been resolved.

Despite this document’s immense size, CCFA finds a number of troubling omissions and contradictions. NMFS has no answers to what is happening to these fish once they leave the streams and enter the ocean. NMFS admits that the marine stage of the coho life cycle is not well studied. This is a very large fraction of the fish’s life cycle to leave unexamined. NMFS waves off marine factors as “natural” without evaluating commercial fishing and the impacts of the Marine Mammal Protection Act on the populations of seals and sea lions. The salmon’s rate of return from the sea to spawn is very low, therefore it may not be possible to raise enough smolt in the local streams to sustain the population.

NMFS also does not mention the streams flowing into the San Francisco Bay as part of the coho habitat, although such streams as the Guadalupe River currently have salmon populations.

The San Lorenzo River coho population has historically been human-dependent; the population began to crash shortly after the hatchery closed. NMFS acknowledges that the narrow valleys and steep gradients of typical Central Coast streams make poor spawning habitat, yet they put together a recovery plan for nearly every stream in the Santa Cruz Mountains and have mentioned trying to introduce the fish into streams father south.

Quoting from the NMFS report, “California’s redwood forests are now some of the last areas where coho salmon persist. Unlike other land uses such as agriculture or urbanization, timberland management in California is regulated according to Forest Practice Rules. These Rules have standards for road construction and maintenance to reduce sediment to streams, riparian canopy retention along fish-bearing and non-fishbearing watercourses and mechanisms for forest growth and regeneration. Watershed processes that provide for salmon spawning, rearing and sheltering are relatively intact on many forestlands. The future and fate of salmon is inextricable to the future and fate of California’s redwood forests.”

“One researcher believes that the sustainable forestry now being practiced there, “might be the best way left to preserve woodland ecosystems, watersheds and fish” .”

Within this plan, NMFS notes that: “Over 85% of the CCC coho salmon range is privately owned and without public/private partnerships recovery will not be possible.”

“Developing and nurturing partnerships with private landowners... will be essential. Furthermore, creating incentives and expanding public/private partnerships for restoration and improving land and water use practices are critical if CCC coho salmon are to be saved.“

Despite NMFS’s hope that they will find willing partners in private landowners, they did not to our knowledge make any effort to approach forest landowner groups to find out their needs and concerns. People who manage forest land serve many masters and provide for many needs. They are beholden to Cal Fire, CDF&W, the Air Board, and the Water Quality Control Board, just to name some of the agencies. They are responsible for the health and welfare of more species than just coho salmon. They are liable for damages caused by actions taken within those lands. NMFS would like private landowners to take on coho restoration projects voluntarily, yet the plan fails to address their concerns in the following particulars:

There is no incentive for a landowner to voluntarily restore habitat for threatened, endangered or sensitive species. Each time a landowner improves his land to the extent that an endangered species becomes viable, he is at risk of losing the use of his land due to the regulations that protect the species.

This may be mitigated by the concept of Safe Harbor which allows the landowner to continue his normal operations in recognition that forest management is beneficial. The recovery plan only gives lip service to Safe Harbor; it never discusses the implementation specifics NMFS would use to enact the concept and how they would protect the landowners from losses due to the existing California regulations once the salmon become established. Instead, the plan promotes a raft of new restrictions to layer onto the existing ones.

The NMFS recovery plan features an aggressive woody debris placement program in the streams to improve habitat, but implementation details are not adequately fleshed out. First, no one can get permits due to a lack of cooperation between the regulating agencies. NMFS then

fails to address how those landowners who do add woody debris to their streams are going to be protected from liability for any flooding or downstream damage caused by this debris if it happens to break free in a storm event. Landowners are expected to set aside large stream-side trees for recruitment into the stream to build habitat, yet there is no discussion of what sort of trees serve this need, outside a comment that large diameter trees are preferable to a closed canopy. Current California regulation required closed canopy, which creates an interagency regulatory conflict. Landowners wonder if riparian trees with a high instream food value like big leaf maple or alder would serve this purpose as well as redwood, or perhaps even better.

NMFS has no concept of the impact of vegetation on the water supply. They noted that in San Gregorio Creek there are flow fluctuations of several hour durations during low flow periods. What they have not realized is that this is indicative of the water draw of the vegetation during daylight hours when transpiration is active, followed by the return of the water when the vegetation is at rest. Since water supply for the streams is a known problem and since NMFS is not addressing the effects of overstocked vegetation on the water supply, they are focusing their efforts to restore water to the streams on changing the local water rights system, an act that is sure to land them in court with farmers and municipal water districts. They are also advocating the removal of dams which will adversely affect the domestic water supply to hundreds of thousands of people. The expense of developing other water supplies for the local population is not included in NMFS accounting.

Another major feature of the plan is greatly expanded setbacks for human activity near streams which amounts to a case of takings on a watershed scale. Their proposed regulations start with "headwall swale" which appears to mean anything draining into the headwater stream, where they want a licensed engineering geologist to approve the removal of each tree. Since there are very few locations in the Santa Cruz Mountains that do not immediately drain into a stream, people will need a geologist's permission to remove any tree in the mountains, and there are not enough licensed engineering geologists in the area to begin to keep up with that requirement. NMFS is proposing an ever-widening system of unusable stream-side zones with ever tighter activity restrictions around them. By the time these setbacks and regulations have been mapped into all the streams in the Santa Cruz Mountains, a large percentage of the land will have been rendered untouchable and it will deteriorate.

NMFS also wants to encourage the development of meanders in these streams, which will serve to make these setbacks even wider. Finally, they are proposing a process of retreat of all development from streambank areas. It should be noted that this is where most of the local cities reside, as well as the best farmland, which will result in takings of hundreds of billions of dollars and a raft of lawsuits from the uprooted businesses. This is not in the NMFS accounting.

Finally, and perhaps most egregiously, NMFS fails to address the impact of their coho recovery plan on the welfare of other species in the Santa Cruz Mountains. Just how compatible are coho salmon and steelhead trout? Does NMFS intend to shoot kingfishers, great blue herons and raccoons when they start feeding on the fish? What effect does coho

salmon have on the red-legged frog and its eggs and tadpoles? If it is determined that seals and sea lions have a major impact on the coho during its ocean phase, will NMFS advocate population controls on these protected species or expect the entire fix to take place on land?

Under the proposed plan, NMFS projects a minimum of 40 years for recovery and 100 years for delisting, which is clearly a government pace. It would happen much faster with the proper incentives, including Safe Harbor, liability coverage, and proof-of-concept experiments for finding the most effective restoration techniques in such places as the Soquel Demonstration Forest. These experiments must be undertaken with the understanding that there will be failures as well as successes. The goal is to “have it right” before asking landowners to do it on a statewide basis - that is when failures due to faulty techniques would be catastrophic.

This letter covers only the broad themes of the built-in problems to be found in the restoration plan. There are more issues that deserve to be addressed, including the hydraulic design of storm drainage and the safety issues introduced by decommissioning roads. CCFA believes all the residents of the Central Coast deserve answers to these questions before the coho restoration plan is finalized. We hope we can count on you to insist on these answers and oppose this plan until the public has them.

Sincerely

Eric Moore
CCFA Board Member