

JARED HUFFMAN
2ND DISTRICT, CALIFORNIA

COMMITTEE ON
NATURAL RESOURCES
COMMITTEE ON BUDGET

WASHINGTON OFFICE
1630 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
PHONE: (202) 225-5161
FAX: (202) 225-5163

WEBSITE: huffman.house.gov

Congress of the United States
House of Representatives
Washington, DC 20515-0502

September 3, 2013

Douglas H. Bosco, Chairman
California State Coastal Conservancy
1330 Broadway, 13th floor
Oakland, CA 94612

Dear Chairman Bosco:

I am writing in support of California Trout's request to the California Coastal Conservancy for \$230,000 to design or implement removal of salmon and steelhead migration barriers on the Eel and Mad rivers. These funds will leverage \$697,000 in restoration grants and contributions.

The Eel and Mad rivers sustain Chinook and coho salmon and steelhead trout, all of which are listed as threatened under the federal Endangered Species Act. Restoration of river habitat and access to historic spawning and rearing grounds is essential to the recovery of these fish populations. These species are important to American Indians, support commercial and recreational fishing, and have inherent wildlife value.

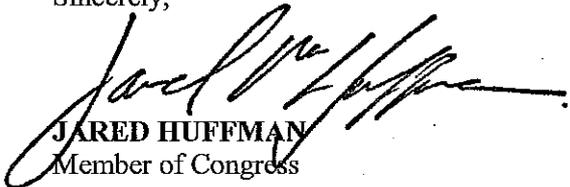
Fish passage under railroad and road crossings has contributed to the decline in salmonid populations throughout the Pacific Northwest. The cumulative effect of thousands of these crossings blocking spawning habit is significant. The Northcoast Railroad Authority has demonstrated a strong desire to cooperate with CalTrout to remove these migration barriers and aid salmonid recovery.

These CalTrout fish passage barrier projects will result in:

- Preparation of engineering designs at the Woodman Creek project site, a large tributary to the Eel River in Mendocino County, 20 miles east of Laytonville
- Barrier removal implementation at the Bridge Creek project site, another tributary to the Eel River near Holmes Flat
- Creek re-routing and sediment relocation at a landslide on Redwood Creek, a tributary of the South Fork Eel River near Redway
- Barrier removal and habitat restoration on Quarry Creek, a tributary to the lower Mad River, near Blue Lake

Project funding partners include the Department of Fish and Wildlife's Fisheries Restoration Grants Program, the National Oceanic and Atmospheric Administration, American Rivers, FishAmerica, Kernan Construction, and the Humboldt Fish Action Council. I ask for your full and fair consideration of these important projects.

Sincerely,



JARED HUFFMAN
Member of Congress

SAN RAFAEL
999 FIFTH AVENUE, SUITE 290
SAN RAFAEL, CA 94901
PHONE: (415) 258-9657
FAX: (415) 258-9913

PETALUMA
206 G STREET, #3
PETALUMA, CA 94952
PHONE: (707) 981-8967

FORT BRAGG
430 NORTH FRANKLIN STREET
P.O. BOX 2208
FORT BRAGG, CA 95437
PHONE: (707) 962-0933
FAX: (707) 962-0905

EUREKA
317 THIRD STREET, SUITE 1
EUREKA, CA 95501
PHONE: (707) 407-3585
FAX: (707) 407-3559



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
1655 Heindon Road
Arcata, CA 95521-4573

MAY 24 2013

Mr. Darren Mireau
North Coast Area Program Manager
California Trout, Inc.
P.O. Box 715
Arcata, CA 95518

Dear Mr. Mireau,

I am writing to express NOAA's National Marine Fisheries Service (NMFS) interest and support of removal of a fish passage barrier on Woodman Creek, restoring fish access to about 14 miles of habitat. I commend your proactive collaboration with the North Coast Railroad Authority to implement this valuable restoration work. NMFS Protected Resources Division promotes conservation through development and implementation of recovery plans for Southern Oregon/Northern California (SONCC) coho salmon, California Coastal (CC) Chinook salmon and Northern California (NC) Steelhead, which are federally-listed as threatened under the Endangered Species Act. Woodman Creek is a tributary to the mainstem Eel River that can supply important spawning, rearing, and migrating habitat for recovery of these species.

Although the NWP rail line is not currently operational, any future federal action to rehabilitate the infrastructure to restore service on the rail line that may affect protected species or habitat would require an Endangered Species Act section 7(a)(2) consultation with NMFS. The removal of a migration barrier, now, on Woodman Creek would be considered during any future consultation when assessing the environmental baseline and status of the species, and likely increase the resiliency of the habitat and species on which anticipated effects would be overlaid.

Sincerely,

A handwritten signature in blue ink, appearing to read "Irma Lagomarsino".

Irma Lagomarsino
Northern California Office Supervisor



COMMITTEES

NATURAL RESOURCES, CHAIR
SELECT COMMITTEE ON DISABILITIES, CHAIR
SELECT COMMITTEE ON WINE, CHAIR
JOINT COMMITTEE ON FISHERIES AND
AQUACULTURE, CHAIR
BUDGET
BUDGET SUBCOMMITTEE #1
JOINT LEGISLATIVE BUDGET
GOVERNMENTAL ORGANIZATION
HEALTH

Assembly
California Legislature



WESLEY CHESBRO
ASSEMBLYMEMBER, SECOND DISTRICT

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0002
(916) 319-2002
FAX (916) 319-2102

DISTRICT OFFICES
710 E. STREET, SUITE 150
EUREKA, CA 95501
(707) 445-7014
FAX (707) 445-6607

50 "D" STREET, SUITE 450
SANTA ROSA, CA 95404
(707) 576-2526
FAX (707) 576-2297

200 SOUTH SCHOOL STREET, SUITE D
UKIAH, CA 95482
(707) 463-5770
FAX (707) 463-5773

September 5, 2013

Douglas H. Bosco, Chairman
California State Coastal Conservancy
1330 Broadway, 13th floor
Oakland, CA 94612

RE: Northcoast Fish Passage Improvement Projects

Dear Chairman Bosco:

I write in support of California Trout's (CalTrout) request to the Coastal Conservancy for \$230,000 to fund and support four projects to design or implement removal of salmon and steelhead migration barriers on the Eel River and the Mad River. These funds will provide cost-share match to leverage an additional \$697,000 in restoration grants and partner contributions.

These two north coast rivers are valuable natural resources to the region, and sustain populations of native Chinook and coho salmon and steelhead trout, all of which are listed as threatened under the Federal Endangered Species Act. Restoration of riverine habitat and migratory access to ancestral spawning and rearing grounds is essential to the recovery of these fish populations. These species provide inherent wildlife value and provide commercial and recreational fishing opportunities that support our local economies.

Fish passage under railroad and road crossings has been an important factor contributing to the decline in salmonid populations throughout the Pacific Northwest. Thousands of these crossings exist and the cumulative effect of blocked habitat is significant.

These CalTrout fish passage barrier projects will result in (1) preparation of engineering designs at Woodman Creek(Eel River) , (2) barrier removal implementation at Bridge Creek(Eel River) , (3) creek re-routing and sediment relocation at a landslide on Redwood Creek(Eel River) and (4) barrier removal and habitat restoration at Quarry Creek(Mad River). Project funding partners include the Department of Fish and Wildlife's Fisheries Restoration Grants Program, NOAA, American Rivers, FishAmerica, Kernan Construction, and the Humboldt Fish Action Council.

I strongly support these CalTrout efforts to promote the recovery of our salmon and steelhead populations and urge your favorable consideration of these important projects. If you have any further questions, please feel free to call my office.

Respectfully,



WESLEY CHESBRO
Assemblyman, 2nd District

WC:mh:tw

RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
NORTH COAST RAILROAD AUTHORITY

**Resolution Supporting
CalTrout Fisheries Restoration
in the Vicinity of Bridge Creek**

RESOLUTION NO. 2013-11

WHEREAS, The North Coast Railroad Authority (NCRA) and California Trout have partnered during the period 2010-2012 to identify existing barriers to salmon and steelhead migration along the right of way of the North Western Pacific Railroad line along the Eel River from Willits to Fortuna, CA;

WHEREAS, CalTrout, its technical subcontractors, and the Department of Fish and Wildlife have identified the Bridge Creek Fish Barrier (located at Post Mile 243.38 approximately 12 miles south of Scotia, CA), as the No. 2 priority fish barrier for remediation out of 66 railroad-stream crossings inventoried and 22 fully analyzed;

WHEREAS, The Bridge Creek culvert under the railroad line, as constructed and modified throughout the past 6 decades or longer, poses a maintenance problem and a potential environmental threat by providing inadequate drainage of Bridge Creek flood discharge into the Eel River;

WHEREAS, NCRA, at its July 11, 2012 meeting, approved a motion supporting Bridge Creek restoration and supporting entering into an agreement for California Trout's Proposed Fish Passage Restoration Project on Bridge Creek, Humboldt County, CA provided that NCRA legal and engineering expenses are reimbursed and that the fill, ties, and rail removed are stored free of charge and preserved for NCRA's future use.

WHEREAS, CalTrout has been approved for grant funding from the CA Department of Fish and Wildlife Fisheries Restoration Grants Program and from the State Coastal Conservancy totaling \$551,644 for the Bridge Creek Barrier Removal Project that has an optimum timeline for implementation during summer (August-September) 2013;

Exhibit 2: Project Letters

WHEREAS, NCRA, as a condition precedent to the Bridge Creek restoration project, must first execute an agreement acceptable to NCRA for the storage and/or disposal of fill material on the Rice Ranch property located adjacent to the Bridge Creek barrier site, and further, that CalTrout has agreed to provide adequate financial support for NCRA staff and engineering review, thus complying with the stipulations of the NCRA Board of Directors' July 11, 2012 Resolution;

WHEREAS, The useable railroad ties and rails will be stockpiled on NCRA right-of-way in the nearest vicinity of the barrier removal site agreed-to by the NCRA, for future use by the railroad.

NOW THEREFORE BE IT RESOLVED THAT THE NCRA Board of Directors directs NCRA Staff and Consulting Engineer to (1) enter into a Landowner Agreement with the CA Department of Fish and Wildlife and CalTrout for a 10-year term for project implementation and post-project assessments (as specified in Attachment A: Landowner Agreement; (2) enter into a Cooperative Agreement with Jack Rice, representing the Rice property, for semi-permanent storage and/or disposal of the railroad fill material removed during the Bridge Creek Barrier Project implementation.

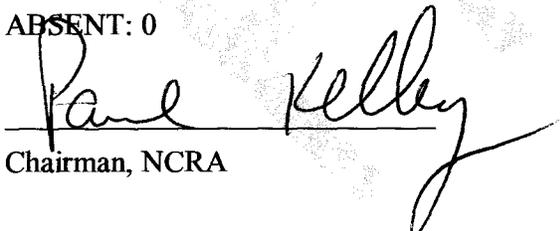
Introduced and Adopted at a regular meeting of the NCRA Board of Directors on July 10, 2013.

AYES: Meyers, Stillman, Marks, Hemphill, Peters, McCowen, Fennell, Wagenet, Kelley

NOES: 0

ABSTAIN: 0

ABSENT: 0


Chairman, NCRA

ATTEST:


Executive Director, NCRA

Exhibit 2: Project Letters

California Department of Fish and Wildlife
Fisheries Restoration Grants Program Habitat Restoration Project

LANDOWNER AGREEMENT

North Coast Rail Authority, 419 Talmage Road, Suite M, Ukiah CA 95482
and
California Trout, 360 Pine Street, Fourth Floor, San Francisco, CA 94104
for the

BRIDGE CREEK RAILROAD CROSSING FISH PASSAGE IMPLEMENTATION PROJECT

I. PURPOSE

The following agreement details requirements of both the landowner and California Trout regarding the **Bridge Creek Railroad Crossing Fish Passage Implementation Project**. Said property is controlled by the North Coast Railroad Authority, and is located along the mainstem Eel River near Holmes Flat, approximately 12 miles south of Scotia, Humboldt County, CA.

I, Mitch Stogner, Executive Director of the North Coast Rail Authority, representing the Board of Directors (NCRA Board, Hereinafter called "Landowner"), am aware that a habitat restoration project grant application submitted to the Department of Fish and Wildlife's Fisheries Restoration Grants Program has been awarded funding. The project has been explained to the Landowner by California Trout. The NCRA supports the goals of the project, which include: (1) decommissioning and removal of the railroad crossing (the rails and the fill prism) across Bridge Creek, (2) stockpiling of sediment fill on the adjacent Rice Ranch, available in reasonable perpetuity to the NCRA (term to be defined through separate agreement between Landowner and the Rice Family), and (3) restoration of a stream channel providing unimpeded fish passage into Bridge Creek, without reconstruction of the railroad crossing as a result of this project. CalTrout, The Department of Fish and Wildlife (CDFW), and Landowner acknowledge that the NCRA may choose to reconstruct a railroad crossing in the future at its own expense, while preserving unimpeded fish passage. The project will be administered by CalTrout and implemented with assistance by technical subcontractors. CalTrout is solely responsible for all costs associated with this project, including, but not limited to environmental review; permitting; containment, remediation and/or appropriate disposal of toxic or waste substances that may be removed or disturbed during implementation of the project, including removal of railroad ties that are no longer usable for railroad purposes.

II. ACCESS PERMISSION

Landowner hereby grants California Trout and CDFW representatives permission to enter onto real property owned by the Landowner to perform pre-project planning and site preparations; to perform the fish passage implementation project; and to conduct post-project inspections and monitoring for needed maintenance for a 10-year period following project completion. Access shall be limited to those portions of landowner's real property where actual stream restoration work is performed and those additional portions of the real property which must be traversed to gain access to the work site.

III. DURATION OF AGREEMENT

The term of this agreement shall be 22 months for work performance (through March 31, 2015), and ten years for maintenance, inspection, and monitoring purposes from the last date of execution shown below. This is provided that CalTrout and/or the California Department of Fish and Wildlife shall give Landowner reasonable actual notice and any necessary arrangements are made prior to each needed access. Reasonable and actual notice may be given by mail, in person, or by telephone.

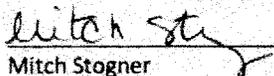
This agreement can be amended only by prior written agreement of both parties executing this agreement. Execution of a separate agreement between Landowner and the Rice family providing for the stockpiling and/or disposal of fill material and storage of rails and useable ties is a condition precedent to this agreement."

Exhibit 2: Project Letters

IV. LIABILITIES

1. In conducting activities relevant to this agreement, reasonable precautions will be exercised by California Trout and their subcontractors to avoid damage to persons and property.
2. CalTrout agrees to indemnify and hold harmless Landowner and agrees to pay for reasonable damages proximately caused by reason of the uses authorized by this Agreement, except those caused by the gross negligence or intentional mis-conduct of the Landowner. Gross negligence by the Landowner shall specifically exclude claims based on any acts or omissions prior to the effective date of this agreement, the existing physical condition of Landowner's property, or access thereto.
3. Landowner agrees to indemnify and hold harmless CalTrout, its agents and designees from any liabilities and/or costs resulting from willful misconduct or grossly negligent acts committed by the Landowner for activities conducted under this agreement.
4. CalTrout shall not be held responsible for injury to anyone working under the direction or supervision of Landowner for activities conducted pursuant to this agreement.
5. CalTrout assumes no liability and shall not be held responsible with regard to injury incurred by trespassers or other unauthorized persons on private lands because of activities relevant to this agreement.
6. Landowner requires, and Cal Trout agrees, that NCRA's contract engineer, David Anderson, shall review and approve all plans for this project and that Cal Trout shall enter into a third party agreement to compensate him for that purpose.
7. CalTrout hereby agrees to compensate NCRA for all reasonable administrative, executive and legal costs incurred in furtherance of this project to date and for the term of this agreement not to exceed \$8,000 for engineering costs and \$5,000 for all other NCRA staff costs.

If you are in agreement to the above, please sign and date below.



 Mitch Stogner
 Executive Director
 North Coast Rail Authority
 419 Talmage Road, Suite M, Ukiah CA 95482

7/19/13

 Date

 Jeff Thompson
 Executive Director
 California Trout
 360 Pine Street, 4th Floor, San Francisco, CA 94104

of the

Board of Directors

of the

NORTH COAST RAILROAD AUTHORITY

Resolution Supporting the
Woodman Creek Fish
Preservation and Railroad
Restoration Project

Resolution no 2013-12

WHEREAS, The North Coast Railroad Authority (NCRA) and California Trout have partnered during the period 2010-2012 to identify existing barriers to salmon and steelhead migration along the right of way of the North Western Pacific Railroad line along the Eel River from Willits to Fortuna, CA;

WHEREAS, CalTrout, its technical subcontractors, and the Department of Fish and Wildlife have identified the Woodman Creek Fish Barrier (located at Post Mile 171.49 approximately 5 miles north of Dos Rios, CA), as the No. 1 priority fish barrier for remediation out of 66 railroad-stream crossings inventoried and 22 fully analyzed;

WHEREAS, The CA Department of Fish and Wildlife has identified the Woodman Creek Fish Barrier as the No. 1 priority project for the entire Region-1 (North Coastal California) based on the potential benefit to salmon and steelhead, and recommends the barrier be removed with the use of fisheries restoration grant funds;

WHEREAS, The National Marine Fisheries Service's (NMFS) Protected Resources Division, who have responsibility and authority for recovery of all three federally-listed threatened salmonid species formerly inhabiting Woodman Creek, supports removal of the Woodman Creek Fish Barrier;

WHEREAS, NCRA acknowledges that removal of the Woodman Creek migration barrier would likely be required by both NMFS and CDFW if the railroad line is re-opened, and that such a project would not qualify for public grant funding if required as mitigation, and thus may benefit financially by having a portion of the project completed by CalTrout;

WHEREAS, CalTrout and its technical team have conducted a feasibility assessment evaluating alternative project approaches, and determined that removal of the railroad section and earthen fill prism, and restoration of the lower approximately 500 ft of Woodman Creek to its historic alignment, is the best and only feasible project design alternative;

WHEREAS, CalTrout has obtained adequate public grant funding from the NOAA American Rivers grant program to advance the Barrier Removal project to an intermediate engineering design stage, agrees to work collaboratively with the NCRA Board of Directors and staff, as well as provide financial support for

the NCRA staff and engineer involvement in the Barrier Removal project; and further, will seek additional grant funding for completion of the engineering design and project construction phases;

WHEREAS, Recognizing that future restoration of the rail line, including construction of a new bridge over the restored Woodman Creek channel is an integral part of the current barrier removal project, CalTrout will assist the NCRA to arrange informal consultations with the National Marine Fisheries Service (under ESA Section 7) during the Woodman Creek final design and implementation phase, to be held prior to project permitting approval and will advocate that NCRA be given consideration for assisting with implementation of this high priority project when it is not presently mandated to do so.

NOW THEREFORE BE IT RESOLVED THAT THE NCRA Board of Directors directs NCRA Staff and Consulting Engineer to work with CalTrout to (1) develop the engineering designs for Woodman Creek to remove the railroad section and earthen fill prism, (2) restore Woodman Creek to its historical alignment, and (3) provide fish passage into the watershed; with the condition that a Landowner Agreement acceptable to NCRA must be negotiated and that the final design shall facilitate future reconstruction of a railroad crossing by the NCRA by (A) including in the plans design of a conceptual future bridge at the crossing of a restored Woodman Creek and (B) that cuts in the existing railroad embankment shall provide platforms for future bridge abutments, so that future bridge construction will have minimal additional impact to the embankments and to the restored creek channel.

Introduced and adopted at a regular meeting of the NCRA Board of Directors on July 10, 2013.

AYES: *Stillman, Marks, Hemphill, Fennell, McCowen, Megees
peters, Wogenet, Kerley*

NOES: *Ø*

ABSTAIN: *Ø*

ABSENT: *Ø*

Paul Kelley

Chairman, NCRA

Attest

Litch Stz

Executive Director, NCRA