

## **Minutes for the Trinity Management Council 3-7-02 Meetine At the Victorian Inn, Weaverville, CA**

TMC Members Present: Mary Ellen Mueller, USFWS; Doug Schleusner, Executive Director; Ralph Modine, Trinity County; Loren Everest for Laurie Fenwood, USFS; Irma Lagomarsino, NMFS; Tim Ramirez, California Resources Agency; Mike Orcutt, HVT; Charlie Chamberlain for Troy Fletcher, Yurok Tribe; Russell Smith for Mike Ryan, USBR

Others Present: Harry Rectenwald, DFG; George Guillen, USFWS; Francis Berg, BLM; Tom Weseloh, CalTrout; Paul Olmstead, SMUD; Curtis Anderson, DWR; Jay Glase, USFWS; Scott McBain, McBain and Trush; Jeff Phipps, NCPA; Pat Frost, TCRCD; Kirk Somborger, WAPA; Ed Solbos, USBR; Bill Mendenhall, DAa; Sid Mickelson, river resident, George Kautsky, HVT and Tim Hayden, Yurok Tribe; Janet Clements and Tom Stokely, Trinity Co. Planning

The meeting was called to order at 9:25 a.m.

Vice-Chairperson Mary Ellen Mueller facilitated the meeting in place of Chairperson Mike Ryan, who was unable to attend.

### **1. Introduction**

Ralph Modine motioned to approve the meeting's agenda. The motion was seconded by Russell Smith and the meeting agenda was adopted.

Ralph Modine motioned to approve the minutes from the December **13th**, 2002 meeting of the TMC. The motion was seconded by Tim Ramirez and the minutes from 12-13-02 were adopted.

### **11. Open Forum**

The meeting was opened up to the public for comment. No comments were made.

#### **111. Director's Report**

Doug Schleusner summarized his quarterly report for December 13-March 7, 2002 (See handout from meeting). He reported that his main areas of emphasis have been on staffing, office space, and working with Mary Ellen Mueller to get the Trinity Adaptive Management Working Group (TAMWG) up and running.

Doug foresees the biggest change in the budget for future years is move from environmental studies to the implementation of restoration projects.

A total of 24 nominations for the TAMWG were received. Mary Ellen Mueller is pleased to see such a variety of people applying.

Bill Mendenhall asked if the TAMWG is going to be made up of only non-agency members? Mary Ellen responded that people and agencies on TMC will not be on TAMWG but other agencies might be. For example, NRCS, TCRCD, and BLM may have seats. Doug will be at both meetings acting as a liaison, and the group may form technical advisory sub-committees.

#### **Supplemental EIS/EIR**

Russell Smith reported that last statement in the director's report regarding the schedule for the completion of the Supplemental EIS/EIR is very optimistic and the release of the document will probably not be until much later.

Tom Stokely reported that the scoping meeting for the supplemental EIS/EIR will be held on May **9h** in

Redding. The scoping meeting for the bridges EIR/EA will probably be held on May 2 , (previously April 25'h) at the Trinity County Library, in Weaverville, CA at 6:30 p.m. This meeting will also include an update on the status of the Restoration Program. A Notice of Preparation for the Bridges EIR/EA will be sent out soon, beginning a 30 day scoping period.

Irma Lagomarsino noted that NMFS should be involved in the discussion on the Biological Opinion for the (S)EIS.

#### Restoration Project Status

The main focus for both the bridges and the channel rehabilitation projects has been on NEPA/CEQA compliance. As far as the bridges go, contractors have been hired for the environmental document, and an analysis of flood frequency is underway. Trinity County is the lead agency under CEQA, for the bridges project, and has developed independent justification other than fixing the bridges just to implement the ROD. The flood frequency analysis should benefit the County by helping to better map the 100 year floodplain of the river. New maps may result in the County consulting with FEMA regarding their designated floodplain areas.

Doug feels that at the bridges scoping meeting, we should be able to provide enough information in terms of basic project design to make it clear to the public what the project entails. However, it should be obvious that we have not made a final decision and that we are still looking at different options.

#### Monitoring, Strategy Workshop

Overall, Scott McBain felt that the information gained from the workshop was incredibly helpful especially in terms of gaining outside perspective. The original idea of the workshop was to develop an overall monitoring strategy for the restoration program. Seven external scientists attended, most of which having extensive experience with salmonid streams. Scientists from the Pacific northwest, Central Valley, British Columbia, and Redwood Sciences Lab, brought expertise and broad swmpling backgrounds to the workshop. There were also many local participants.

The **first** day, the scientists were given an overall view of river, looking at several monitoring sites from Lewiston to the North Fork. The second two days were spent developing a monitoring strategy (see workshop agenda).

Scott will complete a draft workshop report in approximately three weeks and will more than likely present a final report to the TMC in June.

Doug reported that the logo for the Restoration Program will be separate from any agency. Initial sketches will be prepared by an outside artist and the TMC will decide on the final logo as a group. Mary Ellen reported that name recognition for the TMC will go along with the logo. Information can be sent out to improve knowledge of the group publicly.

The Secretary of Interior has set up a Trinity River Working Group in Washington, D.C.

Doug reported that Reclamation was asked to prepare a work plan for fiscal year 2002, finalized budget.

Russell Smith reported that the USBR is aware that the recent "B2" court decision by Judge Wanger may affect the release date of the SEIS but that they have not really started to deal with that issue yet.

## **111. Roles and Responsibilities**

Doug Schleusner presented a slide show outlining the organizational relationships, roles, and responsibilities involved with the restoration program. He had previously sent out a memo to TMC members and alternates regarding this discussion. This memo included a draft of the by-laws (operating procedures) for the TMC. He handed out an outline of program implementation that has helped him to

understand the various relationships involved in the program a little bit better, yet he acknowledged that it isn't the only way to talk about these roles.

There are three main groups involved in the program, the TMC, the Adaptive Environmental Assessment Management (AEAM) team, and the TAMWG. The TAMWG and the AEAM support the TMC so that the TMC makes appropriate policies and decisions. The role of the Executive Director is to connect these three groups. Doug is not executive director of TMC, he is the executive director of the program. The TMC has the responsibility for overall direction and decision making. Each individual member retains representation of their agency.

The TAMWG will operate in two ways 1). As an initiator of ideas, suggestions, recommendations 2). By reviewing decisions made by the TMC. In both cases, the group takes on an advisory mode. Doug's staff will be executing decisions.

Doug outlined the process for program funding and budget decisions. The ROD points out that the BOR and FWS are charged with finding funding to implement the restoration program and he briefly detailed the roles of each group. The AEAM will be responsible for RFPS, statements of work, project designs, and cost estimates. Doug feels that there will have to be sub-committees formed in order to flush out a more detailed process.

Although there is currently an injunction against the implementation of the flows of the Preferred Alternative, there is a process laid out for the determination of flow schedules. The Director shall submit an annual flow schedule to the TMC for review and approval from AEAM and TAMWG recommendations.

Doug presented a draft of the bylaws (operating procedures) for the Council. He used a standard format, and focused on purposes, memberships, officers, and meetings. Doug requested recommendations, rewrites, and useful comments for the final draft.

15 minute break

Doug would like comments and feedback on his draft roles and responsibilities and general operating procedures. Mary Ellen would like specific dates for providing comments and when the draft will come out. The TMC should expect to vote on this at the next TMC meeting.

There was a general discussion on how the organization of the program, roles and responsibilities, and bylaws. The issue of non-TMC agency participation was broadly discussed, with a variety of concerns expressed.

Doug would like to hear back on whether or not the roles and responsibilities diagram represents a reasonable portrayal of the program's major components.

Mike Orcutt distributed and explained a letter on behalf of the Hoopa Valley Tribe in response to Doug's program implementation outline (attached). Doug expressed openness to any ideas on how to describe the role of any agencies involved. For example, Trinity County, Hoopa Valley Tribe, Yurok Tribe, and the Forest Service may have specific things to include that are not specifically mentioned.

## **IV. Draft By-Laws**

Suggested edits and concerns with draft by-laws were as follows:

### **Section 200: General Purpose.**

Mike Orcutt suggested adding that the ROD is a congressional mandate and adding an acknowledgement of the tribal trust relationship to the United States.

### **Article 3: Membership**

#### **Section 300: Qualifications.**

There were questions regarding the legalities of the statement "***As future circumstances warrant, organizations/agencies represented*** on the TMC may be changed by ***resolution of the TMC***"

Loren Everest commented that if we changed this, we might be changing the ROD. This needs to be checked. It is unclear whether the ROD gives us the flexibility to change the make up of the TMC. The Council feels that concept is worth pursuing.

It was suggested that if a change is to be made concerning the organizations/agencies represented on the TMC, a full consensus of the TMC be required.

#### **302: Alternate Representatives.**

Loren Everest suggested that a provision be added in case an alternate is not available.

#### **303: Term of Office.**

The consensus regarding term of office was to leave it up to individual member organizations. George Kautsky suggested that the TMC take a poll every 5 years and reaffirm representatives members.

#### **304: Absences From Meetings.**

Tim Ramirez feels that the current policy seems a little harsh. It was noted that it has been a problem in the past.

### **Article IV: Officers**

#### **400: Officers' Titles and Term of Office.**

Chairperson will be a Federal appointed official, but the ROD is not clear about vice chair. Different variations could be considered.

### **Article V Meetings:**

#### **Section 500: Regularly Scheduled Meetings.**

The TMC might need to reconsider specific dates for meetings depending on deadlines and decisions that must be made. Russell and Scott **try** to get together and make suggestions on that.

Tim Ramirez suggested that we might not want to put specific dates but leave it loose, at a minimum quarterly.

#### **501: Special Meetings.**

Tom Weseloh suggested that the document strike "majority" and insert "quorum"

**502-504 Quorum, Voting Rights- Majority, and Voting by Written Ballot or Conference Call:** These were taken from a previous meeting and have been voted on by the Council. Abstentions are not mentioned.

#### **505: Adjournment for Want of a Quorum.**

Tim Ramirez suggested that the TMC still meet in the absence of a quorum but not make decisions. Irtna suggested a RSVP process in order to minimize the number of meetings the TMC has without a quorum.

Tim suggested that action items be included on the meeting's agenda. This way, the public will be aware of any action and the TMC members will come prepared to vote.

Doug would like written comments by March 15, 2002 regarding the draft.

Tom Stokely noted that from Trinity County's perspective, it needs to be able to say that this is not obligating the county to liability, lawsuits, or spending money.

Lunch from 12:10 to 12:40,

## V. Presentation on CVPIA Restoration Fund by Roger Pollock and Pat Rivera

Congress controls appropriation and collection of the restoration funds. In 1999-2000 Congress made full collection and appropriated less funds. Now there is about \$17 million in unappropriated collections. There will be \$55 million available to spend in 2003, \$39 million in 2004, and \$50 million in 2005. The program is on a three year cycle. Congress sometimes earmarks funds for particular items mandated by the biological opinions of the CVPIA. Sometimes they the fund must set aside certain amounts of money for specific obligations before projects can even start to be funded, this year \$37.5 million of the \$50 million available had already been obligated.

In order to minimize the grant application process and proposal review time for agencies, the Restoration Fund is integrated with the CALFED process. Projects funded by the Restoration Round Table are only linked to CALFED through the peer review and scientific rating process. The two remain separate entities. The speakers affirmed that they do not give preference to projects considered to be in the CALFED area. There was a discussion on whether or not Trinity is considered to be under CVPIA.

The Restoration Fund Roundtable is a stakeholder group that provides advice and recommendations to agencies. The Restoration Fund Budget must be looked at by the Roundtable.

The work plans for the CVPIA program managers will be presented at 9:00 a.m. on April 30<sup>th</sup>, at the Expo Inn in Sacramento.

The 2003 overall CVPIA budget should be finalized by November, 2002. The money is split between the FWS and BOR as the lead agencies for the programs.

Jeff Phipps reported that the competition for money is getting tighter because less money is available for CVPIA. Cost share money from state has also lessened and so has water related money. A lot of that money pays for much of program.

Tim Ramirez stated that Prop 40 will not help to fund projects as it is mostly for parks. There is some money earmarked for the CALFED watershed and water quality programs, however, it is very little.

## VI. Budget

Doug passed out a variation of budget sheet for fiscal year 02 and went over it briefly. It is split between the BOR and FWS, \$7 million to \$2 million respectively.

The BOR is funding both tribes' activities. The sheet showed projects in which funds were allocated, but there has been no obligation of funds.

Jay reported that a lot of people were not aware of money available for specific project, but they are interested. For example, he has been talking to Redwood Sciences Lab about some different projects. We need better communication with people to let them know there is an opportunity to submit proposals.

Doug suggested that we need a cutoff date for projects to be identified. He asked the Council if they wanted to make any changes in the budget that was approved last September.

Concern was expressed on whether projects in the fall, i.e. spawning surveys, monitoring programs, would be able to carry over unspent money from last year because in many instances an agency or organization does not find out until after project is completed whether or not it is funded.

Doug responded that we have to be very thoughtful about allocating funds and using them because of finding uncertainty and he does not think that we should necessarily carry over. Overall, things are pretty stable so we can go year to year, for example spawning surveys have always been funded and they probably will continue to be.

In the past, there have been a series of meetings where people came to present projects, and if those made it into the three-year action plan, then it was assumed that those same people would then submit their proposal. In the past it was agency driven, now it is need driven. There are now line items with no specific agencies attached to them. If RFPs are available for any of these projects, they need to be given to TMC in order to be distributed.

Doug would like proposals and responses to the status check on the budget by April 1<sup>st</sup>. As he receives responses, he can then work on distributing RFPs if necessary. The TMC will approve any changes for specific projects before Russell obligates money.

Mary Ellen explained the FWS budget and passed out a budget sheet. Shortly after April 1, Doug and Russell will be in touch with the TMC on budget issues.

Tom Stokely went over the list of projects funded under Fish and Game. He reported that at this point in time, of the projects recommended by the advisory council, only 4 projects were chosen for funding by Fish and Game in the Trinity/Klamath Basin. The Five Counties Coho Program, the Indian Creek Dam Decommissioning project, and two Yurok Tribe proposals were funded. He described the review process and the citizen's advisory committee recommendations of both rounds. In the second round they integrated projects that were not funded through the first.

Tom passed out draft Trinity County RFP to TMC members for the Trinity River Basin Fish and Wildlife Grant Program and requested that comments back by the end of next week. He will then send out the RFP broadly to solicit unique ideas to meet the program's fishery restoration goals.

## VII. Grass Valley Creek Ponds: Status Report

Jim Spear and Pat Frost

At the last TMC meeting, Jim Spear of NRCS presented to the TMC a proposal regarding the preliminary assessment of the effectiveness of the Grass Valley Creek ponds. The Council approved his proposal. Jim reported that the six issues that needed to be addressed were reviewed and that assignments were made. He reported that some preliminary work had been done.

Pat Frost gave a report on the permitting aspects of project implementation. He stated that permitting took longer than anticipated, however, the maintenance dredging permits have now been obtained and the ACOE two-year permit is in place. They are ready to do maintenance dredging as soon as the weather permits and they have planned on performing the work during summer low flows. If the ponds fill up before then, in the event of a big storm, they could do a mid-winter dredging. However, this winter has been fairly gentle on the ponds. He reported that the disposal of dredged material is an issue and that the ownership of the Wellock pond has changed. The new landowners seem very cooperative and may give permission to dredge that pond, which hasn't been dredged for about 10 years.

## VIII. Public Comments:

Jeff Phipps offered some organizational comments. He feels that the Restoration Program needs to work on their collaborative efforts and that the workshop in February was a good start. Mary Ellen responded that she has gotten a lot of the same feedback, and she agreed that we definitely don't want to lose that collaborative process.

Jay Glase gave an update on FWS projects. He reported that they have compiled all their data from their last year's biological monitoring program and are currently preparing a draft report for it. Redd surveys have been completed in the upper section of the Trinity, from Lewiston Dam to Cedar Flat. Redd observations were almost double those of last year. However, he has not talked to Fish and Game to determine how that actually translates to numbers of fish in the river. Jay's office has also observed natural steelhead populations in the Trinity and five of its tributaries from Indian Creek to Willow Creek. They have made temperature observations on the South Fork, and found temperatures of about 26 degrees Celsius. He noted that although that was pretty warm, steelhead were still found. The temp

observations were short and they would like to find out what fish tolerance is for those areas. Jay tried to get temperature readings as close as possible to where the fish were found. Tom Stokely contributed that his own observations of steelhead presence in the South Fork Trinity below Hyampom in warm water areas where cold subsurface flows go into pools. That is one of the geomorphic characteristics that the program is trying to re-create on the mainstem Trinity. Doug said that is why we are here-to help the fish.

Tom Stokely reported on the status of funds from the Trinity County Resources Advisory Committee through recent federal legislation regarding Forest Reserve Funds. There will be \$600,000 available for watershed related activities within the County, \$600,000 available for fuels reduction projects and an additional \$340,000 will be made available for other projects. The RAC will make their final decisions on April 8th.

Tim Ramirez suggested that it might be helpful to look at CALFED's roles and responsibilities in order to get ideas for how the draft by-laws could be structured. Mary Ellen asked if Tim could annotate it and say what has worked, what has not. Tim will talk about it at the next TMC meeting.

It was suggested that we talk about the science am of program next meeting.

### **IX. Next Meeting:**

The next TMC meeting is scheduled for June 6h, 2002 at the new Restoration Program office in Weaverville. There will be a ribbon cutting and open house.

Meeting adjourned at 3 pm??