

## **Minutes of the Trinity Management Council Meeting 7/30/03**

**Location:** Conference Call – July 30, 2003

TIME: 11:30 a.m. to 1:00 p.m.

CALL IN NUMBER: 303-445-3941

NON-FTS USERS: 888-808-5103

PASSWORD: 7246

**TMC Members Present:** Mike Ryan, Chair, Bureau of Reclamation; Mary Ellen Mueller, Vice-chair USFWS; Irma Lagomarsino, NOAA Fisheries; Sharon Heywood, USFS; Mike Orcutt, Hoopa Valley Tribe; Troy Fletcher, Yurok Tribe; Tim Ramirez, California Resources Agency; Ralph Modine, Trinity County Board of Supervisors.

**Others Present:** Executive Director Doug Schleusner; Daryl Peterson, Glenn Yoshioka, Andreas Krause, Deanna Jackson and Robert Sullivan, Trinity River Restoration Program; Jim Monroe, USDOJ Solicitor's Office; Joe Polos and Charlie Chamberlain, USFWS/Arcata; Loren Everest, USFS/STNF; Joseph Jarnagan and Robert Franklin, HVT; Arnold Whitridge, TAMWG Chair; Tom Stokely, Secretary-Trinity County Planning Dept; and David Hope, North Coast Regional Water Quality Control Board.

Chairman Ryan convened the meeting at 11:30 am.

Daryl Peterson presented the Draft Action Plan for the Fall 2003 Flow Schedule. Members had copies of Daryl's PowerPoint presentation to review during his presentation. The Power Point presentation outlined the following:

- Goal of Action Plan
- Outline
- Release Schedule
- Proactive Benefits
- Proactive Alternative I – River flow and run size
  - Proactive Trigger
  - Discussion Points
- Proactive Alternative II – Flows from Iron Gate
  - Proactive Trigger
  - Discussion Points
- Emergency Response
  - Emergency Response Trigger
  - Discussion Points
- Water Budget
- Decision Items

Mike Orcutt asked what the indicators are for in-season run size estimates? Daryl responded that they are mostly just using an estimate and some think that the run will be larger, which would trigger Alternative 1. Mike Orcutt said the DFG weirs and other indicators could be used. He also stated that there are already monitoring efforts ongoing for spring run. Mortalities of spring Chinook have been seen. The cause of death among those fish could be used as an indicator of similar conditions for the fall run entering the estuary. Hawkins Bar to the confluence is the area that the HVT is monitoring for

fish kills. He thinks the current high temps and the recent ramp down to the base flow of 450 cfs may be triggering the recent mortalities.

Ralph Modine asked if the flows would go past 2,000 cfs if a proactive approach were taken? Daryl answered that the flows would cap at 1,650 cfs.

Irma Lagomarsino asked if the 17,000 AF could be released earlier than the beginning of the boat dance flow and if there would be monitoring to evaluate the need for an emergency release in August? She was told that a meeting is scheduled for Friday to coordinate the effort.

Robert Franklin, regarding pathogens, asked if the focus was on Ich only. Daryl stated that Ich was the primary culprit of the fish kill.

Charlie Chamberlain mentioned that the outbreak of columnaris was different than Ich.

Franklin feels we will need to release for Trinity River fish before the Boat Dance.

Tom Stokely stated that this raises a key policy issue. He asked what the Council would do if Klamath fish, not Trinity fish, begin dying in early August. Mike Ryan reminded Stokely that this was just a questions period, not the policy discussion.

### **TAMWG Recommendations**

Arnold Whitridge, TAMWG Chairperson, presented the TAMWG's recommendations from July 29, 2003 meeting.

Arnold stated that there is strong support from the TAMWG for a proactive release, triggering Alternative 1, with flows to be adaptively managed. The TAMWG feels that because the river is a living, dynamic system with some uncertainties, and because DOI has not confirmed the cause of the fish kill, it seems prudent to use a proactive release. He stated that there may be unforeseen circumstances and therefore a flexible approach is required. The TAMWG recommended that the fish response to flows be monitored. It would be nice to be able to adjust if the fish had only begun to move during boat dance and the biologists felt they would move better if the boat dance flows were continued. If there is no movement, flows higher than 1650 may be warranted. The TAMWG recommends retaining flexibility and use of Adaptive Management. Arnold reported that the CVP water users suggested higher flows, and the power customers felt that the rainstorms might raise flows. The recommendations were approved by consensus after a 5-hour meeting held on July 29, 2003. TAMWG is endorsing Alternative I.

Robert Franklin asked Arnold about his understanding of trigger No. 1. Arnold responded that the TAMWG believes it has already been met. The run size is greater than 110,000 and the flows are expected to soon be less than 3,000 cfs at Terwer.

Tim Ramirez asked if Mike Ryan's understanding of the triggers is the same as Arnold's. Mike Ryan said yes, the triggers in the PowerPoint presentation are runs greater than 110,000 fish and flows at Terwer less than 3,000 cfs.

Modine asked how often these triggers would be met in a long-term average and if this would become a regular part of the flow regime.

Ryan responded that this is a 2003 item only, not a multiple year effort.

Daryl referenced slide 27 of 27 showing exceedance intervals for lower river flows at Terwer. Franklin stated that these triggers could be met in many years in the long-term average.

Sharon Heywood asked if slide 27 showed that 50% of the time in August, the flows exceed 3,627 cfs (see second and third columns for estimated unimpaired flows). Daryl responded yes.

At 12:20, there was a general discussion among TMC members (chaired by Mike Ryan) regarding the proposed action plan, triggers, release schedule, monitoring, and emergency response actions

Mike Ryan stated that it appears to him that keeping in mind Judge Wanger's ruling that if the fish need the water to avoid a fish kill, for the need for additional data on flows. We have only one data point at Terwer, which makes the professionals uncomfortable. With 2,600 cfs at Terwer and a run size of 113,000, we can say we are very concerned about the potential and the likelihood may be low or medium, but the long-term impact of 2 years of die off is severe. The proactive release seems necessary to make sure that even if we do not know for sure, the severity of the potential is worth the 33,000 AF of water. Daryl agreed that this would avoid those further impacts to the system. Because we are not comfortable with going to 2,600 cfs at Terwer, we should take measures to reduce the likelihood of another fish die off. It will hold some water in reserve for emergency action, if an event does happen, we want to do whatever we can to reduce the severity of it.

Mike Orcutt asked if the Iron Gate flows in August would be 965 cfs? Daryl stated that they will be 979 in August and 1,168 in September. Orcutt stated that the HVT supports the proactive approach. He asked if there was a proactive flow that uses 50,000 AF. Daryl responded that it uses 33,000 AF, rather than the entire 50,000. He feels constrained to use the water starting in late August, when the Trinity fish come into the Klamath estuary, thru September 15, when peak of the run comes in. He feels constrained to September 15 due to spring Chinook spawning. He does not want to have dewatering of spring Chinook redds, and 33,000 AF was the amount that seemed reasonable.

Orcutt asked why there is a discrepancy between the March 18, 2003 submittal to the court and this Plan. Daryl responded that there is now a broader range of input and information. Orcutt is concerned that the fish are being shorted for other uses. Daryl responded that nobody was approaching the issue that way. Orcutt stated that with the proactive flow, the full 50,000 AF would only be used if there were an observed problem in the river. Daryl responded that we would have to implement emergency reaction.

Mike Orcutt and Joe Jarnaghan left the meeting and authorized Robert Franklin to vote for the HVT.

Troy Fletcher stated that last year's kill started on Sept. 19, after the proactive flow would end. The Yuroks support Alternative 2. He is concerned with Klamath fish, and cannot separate Trinity from Klamath fish.

Daryl explained the proactive approach as it relates to last year. He stated that the infection preceded fish kill by a week or two. The proactive approach will prevent infection, prior to seeing evidence of a die off. The timing of the proactive approach in later August is in response to the fact that Klamath fish enter the system earlier than Trinity fish. Troy stated that there is not that great of a difference between the run timings.

Troy is extremely concerned about luring fish to adverse conditions in the Klamath above Weitchpec because of the higher flows.

Mike Ryan stated that if the TMC recommends Alternative 1, a monitoring plan would be necessary to know if Klamath fish were drawn up. Troy would like to know if the thermal refugia are lessened, would the Klamath fish go to the Trinity River.

Stokely stated that the key issue is if Klamath fish were predominately killed first, would the emergency response occur on say August 15?

Franklin stated that his understanding of the fish kill was that Klamath fish stopped, then the Trinity fish came in on top of them to get infected and die. The disease works by getting sick fish close together. We do not want them to stack up in the lower river.

Stokely stated that we would then want to help Klamath fish to make sure Trinity fish come into better habitat conditions without crowding and disease spreading.

Franklin stated that there are 1.5 days travel of water from Trinity to Klamath. Dave Hope stated that there is 4 days travel of water from Iron Gate to the Lower Klamath.

Franklin reported that the Yurok representatives had many concerns at the Technical team meeting last week regarding if the fish are in cold water in Blue Creek, then they move up to the Trinity and upstream past Weitchpec, there would be no cold water refuge for a long ways upstream. It could be a bad trade for those fish.

Troy stated that another concern is having more monitoring. BOR needs to address Klamath flow issues in a real way. He believes that the TMC should say something about it as well as the TAMWG. He believes that Alternative 2 is better than 1 because he is opposed to unnaturally high releases, as well as unnaturally low releases. He explained that the Yuroks and DFG believe that Klamath flows were sorely lacking. They were comfortable with August and September flows, but not July. He is concerned about drawing Klamath fish getting drawn upstream too far if a pulse flows occurs.

Troy expressed concerns about an unnatural cue for migration. Alternative 1 is based on an assumption that the flows are not OK. 2,600 cfs at Terwer vs. 2100 cfs. Dave Hope said that 2,600 was adequate to pass fish. He stated that the technical team likes the increase in flows because there is a lot of evidence that higher flows will reduce Ich infestation rates. The literature says that increased volumes reduce the ability of Ich to replicate.

There was a general discussion of the purpose of the 50,000 AF for Trinity and/or Klamath fish.

Mike Orcutt stated he would support Alternative 1 but would like to start earlier than August 24<sup>th</sup>. Troy Fletcher stated he would support Alternative 2, he asked for language requesting that the BOR take a hard look at Klamath flow releases and coordination between the Trinity and Klamath.

Ralph Modine stated that Trinity County is more local, not as global and is reluctant to get involved in Klamath River politics. He would however support a statement on coordination. The biggest problem in the basin is disjointed management.

Troy Fletcher requested that a letter be sent to the Secretary of Interior recommending more coordination between Trinity and Klamath Projects' management, in particular.

Ralph Modine motioned to support Alternative 1 with Adaptive Management per the TAMWG recommendation, including language in a cover letter expressing the need, as seen by the TMC, for closer coordination between the Klamath and Trinity projects.

Mike Orcutt seconded the motion.

The motion passed 7-1 with the Yurok Tribe voting No, instead favoring Alternative II.

Mike Ryan asked Doug to draft the letter. Doug will send to Mike Ryan for review and signature and circulate a draft to the TMC members prior to signature.

The letter will be sent to Gale Norton the first part of next week, with a copy to Kirk Rodgers of BOR.

The meeting was adjourned at 1:30 p.m.

**Summary of all actions, items and motions passed at the TMC Meeting of July 30, 2003:**

1. Ralph Modine made a motion to support Alternative 1 with Adaptive Management per the TAMWG recommendation, including language in a letter expressing the need, as seen by the TMC, for closer coordination between the Klamath and Trinity projects. The motion was seconded by Mike Orcutt and passed on a 7-1 vote.