TRINITY MANAGEMENT COUNCIL
MEETING MINUTES
JUNE 16-17, 2008

Attendees: Mike Long, FWS, Chair
Brian Person, USBR, Vice-Chair
Bill Brock, USFS
Larry Hansen, DFG
Dave Hillemeier, Yurok Tribe
Mike Orcutt, Hoopa Valley Tribe
John Clancy, NOAA Fisheries
Tom Stokely, Trinity County
Doug Schleusner, Executive Director
Arnold Whitridge, TAMWG Chair

Other attendees: Priscilla Davee, Andrea Davis, Rod Wittler, Tom Wesloh, George Kautsky, Mike Berry, Don Reck, Teresa Conner, David Bandrowski, Jennifer Faler, Joe Polos, Gil Saliba, Tim Hayden, Robert Franklin, Danny Jordan, Deanna Jackson

Meeting called to order at 9:15 a.m. on June 16th.

Summary of Motions:

June 16, 2008 –

1. Motion made by Mike Orcutt, second by Tom Stokely– The TMC recommends that the Bureau of Reclamation revise the Trinity project description in the Biological Assessment for Central Valley Project Operating Criteria and Plan related to water year determination for the Trinity River to be consistent with the ROD and May 5, 2006 Federal Register notice. **Motion** passed 6-0, with 1 abstention (Brian).

2. Motion made by Tom Stokely, second by Mike Orcutt – The TMC recommends to the Bureau of Reclamation that it recognize that legal priority for Trinity River water is Trinity River fisheries and that it should be reflected in the BA for the CVP OCAP. **Motion** passed 6-0, with 1 abstention (Brian).

3. Motion by Tom Stokely, second by Larry Hansen for the TMC to change its operating procedures to require a simple majority vote. **Motion** did not pass (4 yes, 4 no).

June 17, 2008 –

1. Motion by Tom Stokely, second by Bill Brock that the goal statement be adopted. **Motion** passed with 7-0 and 1 abstention (HVT)

2. Motion made by Tom Stokely, second by Larry Hansen to continue IAP process with help from professional facilitators, with funding for the position to come out of the $1.6M carryover from FY2008 to FY2009, and for the IAP Steering Committee to immediately forward policy issues for the TMC to resolve promptly, consistent with the Resolution Roundtable. **Motion** passes 8-0

3. Motion by Mike Orcutt, second by Tom Stokely the TMC recommends that Department of Interior set aside $571,000 as a placeholder for funding of the Interagency (FWS, HVT, Yurok) Integrated Habitat Assessment Proposal in FY 2009. **Motion** passed 5-1, 2 abstentions (5 yes, 1 no (BOR), 2 abstentions (FWS, USFS))

Summary of Action Items:

1. Revisit hatchery management issue, with a report back from the co-managers (BOR, DFG, FWS, and Tribes) at the September meeting. If coordinating the response goes to Brian, he will do what he can to have this by the September meeting.
2. Doug to provide TMC with more information on the $1.6M carryover and FY08 budget spreadsheet.
3. TMC to send letter to the Regional Director with a copy to Central Valley Operations with a specific list of questions they would like answered prior to the September meeting. Mike Orcutt and Tom Stokely will draft the letter and send to Mike Long.
4. Doug to provide TMC a more accurate cost expended on the IAP.
5. Doug to explore more options regarding the TMC participation funding and scopes.

Validate Agenda –

Arnold Whitridge – Will a representative be here from CVO for this afternoon topic?
Brian Person – No confirmation yet as to whether they will be here.

Introductions:
Jennifer Faler (came in later in the morning)
David Bandrowski
Deanna Jackson, taking notes.

TMC Minutes:

Doug referred to the e-mail from Tom Stokely. Minutes from 2007 have not been approved. Based on the motion presented by Brian Person at the March 2008 TMC meeting, and approved by the TMC, absent any corrections or follow-ups, these minutes will be approved without further vote. TMC members had no further edits and the 2007 minutes stand approved as written.

Minutes from conference calls in January, February, April and the March TMC meeting are in draft form only. Doug and Deanna will review and finalize for action by September meeting.

Tom and Josh offered to continue the DVD recordings if the group so desired. There was no strong feeling expressed for or against this idea.

Mike Orcutt questioned whether the note taking would be in house or contracted out. Doug replied that Deanna is doing so on a trial basis, and that we would evaluate prior to next TMC meeting.

Open Forum –

Report from TAMWG (Arnold Whitridge)

TAMWG met June 10-11, 2008. Arnold handed out copies of his letter summarizing TAMWG recommendations (see handout) to the TMC.

Comments on the following:

Referring to the presentation by Wade Sinnen at the TAMWG meeting, TAMWG recommends that the TMC make it a priority to ensure that hatchery practices are not obstructing the accomplishments of TRRP goals.

Issue of how decisions are made for the Program and how TMC is functioning (Mike Long suggested that this topic wait until the CDR follow-up agenda item). Arnold agreed.

Conversation regarding how TAMWG operates for those TMC members that are not that familiar with TAMWG. TAMWG operates under a Charter which Randy Brown, Designated Federal Official, FWS, is transmitting to Washington. TAMWG cannot officially meet and conduct business without a Charter in place. Membership nominations have closed. There were 3-4 resignations due to retirements, relocations, etc. TAMWG currently has 12 members.

Mike Orcutt asked about reappointments and if they had received any nominations from commercial fishing entities or Humboldt County. TAMWG received nominations from two environmental organizations, one CVP district and one fishing guide/part-time resident.

Issue of reservoir operation/carryover. Larry Hansen asked if there would be someone to speak about this topic if a representative from CVO is not able to attend the meeting. Arnold said he could speak about this somewhat from the presentation made at the TAMWG meeting.

Report from TMC Chair - Mike Long will wait until they reach the agenda topics.

Report from the Executive Director – Refer to the Director's Report (handout)

- Introduction of Dave Bandrowski and how the hiring process of both Jennifer Faler and Dave took place.
- 2008/2009 budget status report.
- Updates on the RIG and Master EIR/EA for Phase II Channel Restoration Sites, Lewiston/Dark Gulch Rehab Site, Gravel Augmentation.

- Updates on the Modeling and Analysis Branch, 2008 flow schedule, IAP, low lake levels and boat ramp availability.

IAP is an agenda topic for June 17th.

Mike Orcutt – Doug's comments on 2008 budget made no mention of carryover money ($1.2M vs $1.6M). Concerned about end-of-year funding decisions. He felt that major elements of Science Program were not funded. Would like a copy of the full spreadsheet of the FY08 spreadsheet, and more information on the $1.6M by September meeting. Doug agreed to do so.

Mike Orcutt – Regarding the NEPA document for the Remaining 8 and Phase 2 channel rehabilitation. HVT asked to be a co-lead on this (Master EA/EIR). HVT was a co-lead on the Record of Decision, and should have same status on this document.

Doug – Please refer to the letter that was sent to HVT by the Assistant Secretary for Water and Science.

Mike Orcutt – They were not cc'd on this letter and requests copy. Doug later informed Mike that the letter in question was still in draft form and had not been signed or mailed.

Information Items –

Mike Long - Motion passed at last meeting for TMC to write a letter to BOR regarding management authority and the mitigation goals at Trinity River Hatchery. Thank you to Irma for drafting the letter. Letter was sent to Reclamation June 16, 2008. (see handout).

Larry Hansen asked for a general poll whether or not TMC was going about this the right way. Overall response was Yes.

Agenda Item – Hatchery Management Issues/Concerns

Presentation given by Wade Sinnen. Packet of information was handed out. PowerPoint presentation attached.

Much discussion after presentation on hatchery vs natural fish, percentage, process, hatchery operations, etc. TAMWG would like to make sure TMC is aware of issues with hatchery management and long-term TRRP success. HVT reminded the group about trust evaluations, and that the tribes need to be apprised of all changes.

Action Item –

It was suggested that they revisit this issue at the September meeting with a report back from co-managers (BOR, DFG, FWS, tribes).

Coordinating the response to the letter will likely go to Brian Person. He will do everything he can to have something back for the September meeting.

Mike Long suggested adding this as an agenda item for September.

Agenda Item – Watershed Restoration, Bill Brock, USFS

Refer to attached PowerPoint presentation. Bill referred to some magazine covers and a book (AFS, Salmon 2100: The Future of Wild Pacific Salmon) regarding climate change, etc. The potential impact of this on restoration efforts is very real.

This was a very thorough presentation. Discussion focused on the types of "storm proofing", road maintenance and funding issues. Estimated need of $90 million over next 20 years. Mike Orcutt said this reinforces the need for a cross-cut budget (multi-agency responsibility).

Agenda Item – Trinity River Fishery Restoration: Why it Matters to California Water Management – Presentation by Mike Orcutt, HVT

See attached PowerPoint presentation. Areas focused on: Delta exports, San Luis Drainage, and San Joaquin.

Tom Stokely – Good presentation of broader CVP issues and conflicts that potentially impact the TRRP. Believes that Reclamation has no intention of reducing water deliveries to contractors. There is no funding for the County for legal items/issues related to this debate and insufficient funds for TMC participation, even with $1.6 million carryover.

Brian Person – There were motions placed with this group regarding the $3M add on and they did not pass. The Vitzhum Gulch project and berm notching is an example of differing opinions within the science community. Rod Wittler mentioned that there will be pre and post photos. Right now it is very premature to say that this project failed. Doug stated that it is a worthwhile project and the Program Office will be providing a rebuttal to the Vitzhum Gulch report by HVT.

Agenda Item – Trinity Reservoir Operations – Summary of Peggy Manza's Presentation at the TAMWG Meeting.

CVO operations has many things to take into consideration (Shasta, Folsom, power generation, temperature requirements) and Trinity is one of those many items. It was mentioned that Peggy is an operator, not a policy person, and she has been on the Trinity rotation less than a year.

Mike Orcutt – Concerned about discussing this when a policy person/manager is not present.

Mike Long – Today's discussion is providing a summary of what was presented to the TAMWG at their meeting. Suggest that TMC write a letter with a specific list of questions that they would like answered and try to have a CVO representative present at the September meeting to answer those questions.

Request sending the letter to the Regional Director with a copy to CVO and also request response prior to September meeting. Mike Orcutt and Tom Stokely will draft the letter and send to Mike Long.

Question raised about the flow schedule and buying water? The statement was made that Reclamation would not purchase water for emergency fall releases in the future. Where is the letter/documentation? Rod Wittler stated this was his personal understanding of comments made by the Regional Director's office. TRRP staff will look through the files to see if there was such correspondence[1].

1st Motion of June 16th Meeting - Motion made by Mike Orcutt, second by Tom Stokely– The TMC recommends that the Bureau of Reclamation revise the Trinity project description in the Biological Assessment for Central Valley Project Operating Criteria and Plan related to water year determination for the Trinity River to be consistent with the ROD and May 5, 2006 Federal Register notice.

2nd Motion of June 16th Meeting - Motion made by Tom Stokely, second by Mike Orcutt – The TMC recommends to the Bureau of Reclamation that it recognize that legal priority for Trinity River water is Trinity River fisheries and that it should be reflected in the BA for the CVP OCAP.

These motions were put on the table and with much discussion they were tabled until the following day (June 17th).

Some TMC members said that they were never provided the information on the final flow schedule decision – was there an internal memo? Brian said he sent an e-mail to all members. This was followed by an official memo dated May 30, 2008 stating that the water year for 2008 is "normal", and the TMC recommendation was approved.

Agenda Item – Follow-up on CDR Situation Assessment – Mike Long/Brian Person

Summary of last 2-3 months

- CDR Associates made a presentation to the TMC at the March Meeting in Arcata, CA.
- Followed up with a written assessment mailed by CDR on May 11, 2008
- Findings:
    - Complex organization
    - No clarity on roles and responsibilities
    - Program disagreement
    - Science framework differences
    - TMC meetings are not run efficiently
    - Structural issues within organization

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[1] Review of correspondence files resulted in letters dated April 11 and 13, 2005, from Regional Directors of Reclamation and Fish and Wildlife Service initially requesting technical recommendation of feasibility of reserving ROD water volumes for later release in the fall, followed by statement that all sources of water would be considered.

- Options:
    - Recommend DOI agencies get together and resolve differences. Mike and Brian did travel to meet with CDR, Chris Moore, to start this process.
    - Additional work is needed to come to an agreement defining partnership of both agencies; talk with staff and Regional Directors.
    - TMC retreat – Did not have an agreement between BOR and FWS. They did not feel it would be productive for a TMC retreat at this time. Decided to postpone the retreat.
    - Move forward with '09 budget decision by both agencies.

Regarding rumors about changes to the program – no decisions have been made. The rumor that the FWS is trying to create two separate programs is not true.

Larry Hansen – It appears that the focus is on Department of Interior entities first, followed by a TMC retreat. Are we on course?

Brian – It is not about timing, but process. We cannot resolve everything, Chris Moore defined the problem and found that the two Interior agencies need to be on the same page. Mike and I went to Boulder to start that process.

Refer to the March meeting regarding next steps. The 1st step was for the Interior agencies to meet, the trip to Denver was not intended to be a covert mission. The cost factor came into play and it was found to be less costly for us to travel there.

Mike Orcutt felt disappointment at not being asked to participate and felt that all members should be a part of this. Again it was stated that the two Interior agencies need to be on same page before the TMC has a retreat. Dave Hillemeier was also disappointed about the cancellation of the retreat. Brian mentioned that it was a tough decision to make.

John Clancy stressed that communication is very important to the rest of the TMC members and asked what is anticipated for the next step?

Mike Long responded that based on the last communication with CDR and scheduling, it looks like August/September would be the earliest possible date for a TMC retreat.

Arnold – TAMWG perspective –

- Situation is looked at differently by the TAMWG. They want the program to succeed.
- TAMWG feels that the division of the program is a problem
- TAMWG believes that the TMC should be the decision making body. In the absence of TMC, then the Interior Agencies.
- TMC should strive towards becoming a functional body by the September meeting. Refer to the letter give to TMC by the TAMWG.

3rd Motion of June 16th Meeting - Motion by Tom Stokely, second by Larry Hansen for the TMC to change its operating procedures to require a simple majority vote. **Motion** did not pass (4 yes, 4 no).

Much discussion about the simple majority vote vs the super majority vote, what does it take to change the bylaws, and how does this impact motions made on conference calls?

First items for tomorrow morning will be the motions that are on the table regarding the BA for OCAP.

Meeting adjourned at 5:05 p.m.

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Other attendees: Priscilla Davee, Andrea Davis, Rod Wittler, Tom Wesloh, George Kautsky, Mike Berry, Teresa Conner, David Bandrowski, Jennifer Faler, Joe Polos, Gil Saliba, Tim Hayden, Robert Franklin, Danny Jordan, Aaron Martin, Deanna Jackson

June 17th – Meeting called to order at 8:15 a.m.

First Item – Motions and voting on the fist two motions of June 16th meeting. Note: John Clancy, NOAA Fisheries, was not present for the voting.

1st Motion passed 6-0, with 1 abstention (Brian).
2nd Motion passed 6-0, with 1 abstention (Brian).

Mike Orcutt and Tom Stokely volunteered to draft a letter regarding these motions and send to Mike Long for distribution. Larry Hansen asked that this be sent to Teresa Conner in his absence. This will be sent to all TMC members and alternates. Need to address this letter to the Regional Director with copies to NOAA-Fisheries and FWS Sacramento Office. Turn around for this letter should be quick. Mike Orcutt stated that he would have it drafted by close of business Friday, June 27th.

Agenda Item – Policy Question 1B(2) – Numeric Harvest Goals

Brian –

- IAP Steering committee brought the proposed goal to the TMC at the September 2006 meeting
- TMC members that had concerns were going to consult with their legal staff for review
- March 2007 meeting the group passed a motion 7-0 with 1 abstention, to submit the goal statement for review by legal staff
- TMC held a conference call discussing this and several other policy issues in September 2007
- Letter/memo from Brian and Mike to the Solicitor was mailed
- March 2008 the Solicitors Opinion was received and was discussed by TMC members, but decided to defer a vote to this meeting (refer to copies in TMC folders)

Much discussion on harvest goals, processes, NEPA, and trust responsibilities.

Rod Wittler – Is it okay to proceed on draft goal statement?
Mike Long – No further action is really needed, IAP could go forward using the draft goal statement.

Tom Wesloh – TMC should really try to answer the questions from the steering committee so they can proceed. Doug agreed with Tom and reminded everyone that the Program's draft strategic plan is still a draft because the TMC never voted to make it final.

1st Motion of June 17th Meeting - Motion by Tom Stokely, second by Bill Brock that the goal statement be adopted. **Motion** passed with 7-0 and 1 abstention (HVT).

Agenda Item – IAP Update – Rod Wittler (Refer to attached PowerPoint presentation)

There was discussion about the Integrated Assessment Plan (IAP) and that some underlying problems within the group have to do with lack of trust. The issues within TMC are impeding IAP also. These issues need to be resolved. Having a facilitator at one of the recent steering committee meetings was very helpful. Should the IAP be put on hold? This is something that cannot be resolved at today's meeting.

Need to find areas of common ground. Take for instance the hatchery kiosk, the program partners all worked together and completed the project in a timely manner. Recommend not putting the IAP on hold, but giving flexibility for some deadlines. Parts of the IAP are solvable and we should not stop working on those parts.

Mike Orcutt – Would like to see a rough estimate of cost expended on the IAP.

Doug – Over the past 4 years, about $1M on contracting and $1M for all other. These are rough estimates and he will get more accurate numbers.

More discussion about having a facilitator present at the meetings. Steering Committee was pleased with Indian Dispute Resolution Consultant. There was concern about contracting issues and how to avoid overlap with CDR. If the facilitation is useful and contracting requirements can be resolved, it should be used.

Mike Long – It appears that there is agreement among the group that IAP continue in areas where there is a good change of success, and they continue to make progress with some outside neutral assistance/person.

John Clancy – Suggested looking within own agencies to find a facilitator.

Joe Polos – Concerned about going forward on "easier" parts but leaving the hard parts behind. Some issues will benefit from a facilitator.

Mike Long – How specific do we want to get? We can direct them to keep making progress and get the third party assistance if needed.
Brian/Doug – How do you implement this budget wise? Direction seems pretty vague.

2nd Motion of June 17th Meeting - Motion made by Tom Stokely, second by Larry Hansen to continue IAP process with help from professional facilitators, with funding for the position to come out of the $1.6M carryover from FY2008 to FY2009, and for the IAP Steering Committee to immediately forward policy issues for the TMC to resolve promptly, consistent with the Resolution Roundtable. **Motion** passes 8-0.

Agenda Item – FY2009 Budget Update – Mike Long/Brian Person

Mike Long – Have no formal presentation for this.

Discussion on how Interior agencies need to make timely decisions. Need to take a look at their (BOR & FWS) list of proposals and see if adjustments need to be made, present to the group (by conference call) and based on feedback, go back and make adjustments. They are aware that program partners are concerned. Would like to see habitat assessment differences resolved. There are bigger issues than who administers this assessment/program.

There was a large discussion on TMC participation funding/scope. Government cost estimates could affect Trinity County and the two Tribes. Without full participation, TMC members expressed concerns of the program running into trouble. Tom Stokely would like to see the scope expanded to other than just attending meetings. The group would like to hear from the Contracting Officer at a future meeting, preferably in September.

Each organization is different so it difficult to explain the funding/scopes. Doug can explore options and bring back to the TMC.

3rd Motion of June 17th Meeting - Motion by Mike Orcutt, second by Tom Stokely the TMC recommends that Department of Interior set aside $571,000 as a placeholder for funding of the Interagency (FWS, HVT, Yurok) Integrated Habitat Assessment Proposal in FY 2009. **Motion** passed 5-1, 2 abstentions (5 yes, 1 no (BOR), 2 abstentions (FWS, USFS))

Open Forum -

Arnold – The problem here is the absence of full leadership and decision making, resulting in much frustration.

Tom Wesloh **–** recommends that primary issues of TMC function be addressed first.

Next meeting – September 23-24, 2008, Hoopa, CA (Firehouse)

Presentation by Aaron Martin, Yurok Tribe (Power point presentation attached) then field tours to observe fish habitat assessment crews in action at Indian Creek.