TRINITY MANAGEMENT COUNCIL
Red Lion Inn, Eureka, CA
Tuesday, June 21, 2005

Members Present: Mike Long, *USFWS* (Vice-Chair)*;* Pablo Arroyave, BOR; Irma Lagomarsino, *NOAA Fisheries*; Sharon Heywood, *USFS;* Mike Orcutt, *HVT*; Dave Hillemeier, *Yurok Tribe*; Neil Manji, *CAF&G;* Joshua Allen, *Trinity Co.* (alt. for Jaegel & Stokely);

Others Present: Arnold Whitridge, *TAMWG Chair*; Ed Solbos, Doug Schleusner, Rod Wittler, Priscilla Henson, Bob Sullivan, Andreas Krause, & Nina Hemphill, *TRRP*; Russell Smith, BOR; Jerry Barnes; CJ Ralph, *USFS*; Joe Polos, *USFWS*; Tim Hayden, *Yurok Tribe*; George Kautsky & Robert Franklin, *Hoopa Valley Tribe*

Regular Business: **Introduction**: Validate agenda items; Approve TMC Minutes for 4/14/05 (and prior meetings)

The meeting was called to order at 12:45pm and was followed by an introduction of Council Members & the Public.

Orcutt asked if the meetings are formally announced, he feels that it is important. Allen responded that it was posted on the env-trinity list-serve. The TMC will look into making announcements in Northcoast newspapers.

Hillemeier moved to approve the minutes of 4/15 & 16/05 at the following meeting on 6-22-05; it was seconded by Orcutt, and was approved unanimously.

Manji moved to approve past minutes before the 4/15 & 16/05 meetings; it was seconded by Allen, and was approved unanimously.

Orcutt would like to move agenda item #2 to before item #1 for tomorrow's meeting; he would also like to have a discussion of a full ROD program cost discussion before the rest of the budget. The agenda items were not moved.

Open Forum: Comments from the public

- No Comments

Report from TMC Chair: Mike Long

Mike Ryan is unable to attend due to training, so Mike Long is going to act as Chair. Ryan has been assigned a new post in the Great Plains office. He would like to acknowledge Mike Ryan's contribution's to the TMC and how he was a great mediator in helping to move the group forward. Over the past couple of months, Mike Long has been at the budget meetings and would like to thank all of the people involved in developing the budget and their hard work.

Report from TAMWG Chair: Arnold Whitridge

Whitridge: I have several recommendations from the TAMWG. The TAMWG endorsed the budget with no changes made and recommends that the TMC approval the budget as is. It is the hope of the TAMWG that the TMC makes sure they approve the budget before adjourning tomorrow. I have concern that there is borrowing against the coming years and from elements of the program. I want to see a full program implemented in the future and a definition of what it would look like. The group also recommends that the TMC seek a one-time funding request for $5,000,000 for floodplain projects. In general, the group is pleased with the approach the staff has taken and the program description, and likes the direction the program is going. They also received a complaint about the lack of TAMWG member appointments by the Secretary of the Interior. I am requesting that the TMC draft a letter to the Secretary, to back up the letter sent by the TAMWG, and I hope that the TMC will validate this request.

Schleusner: Being that TMC agreed to respond to written letters from the TAMWG, we should take action to TAMWG's request to the Secretary.

Long: Should we write a letter to the Secretary for this recommendation?

Arroyave: Maybe we should wait until the letter sent by TAMWG gets a response.

Whitridge: It would be nice to have the appointments made before the next meeting in September, which will make our meetings run smoother.

Schleusner: Contact has been made for a number of months, but he would like to point out that this issue needs to be resolved before the principals meeting next month.

Long: So should we draft a letter and perhaps have Steve Thompson also send a letter?

Heywood: I think it would be helpful being that TAMWG is advocating for themselves, and the TMC should uphold them.

Heywood moved to send a letter to the Secretary to appoint TAMWG members before soon, Allen seconded the motion, and it was approved unanimously.

Hillemeier: We should make sure that we draft a letter before adjourning.

Long: We will move that under item #1 tomorrow.

Report from Executive Director: Program updates from Doug Schleusner

Schleusner: A lot of work has gone into the FY06 budget. There was media coverage about the higher flows this year. The assistance agreement between USFWS and TRRP has gone out, and should be finished off this year. The total amount is $2,000,000 that the USFWS has agreed to participate in for projects that Rod and his staff have negotiated. The TRRP office expansion is underway and my staff should be in there by August. I will send out a link and password next week for a preview of the website for member approval before it goes live. The bridges are waiting for summer base flows so the old bridges can come out. Floodplain structure inventorying is still ongoing. The next construction project is raising Poker Bar Road, and should be ready to go in September or October. Hocker Flat construction will start around August, but the contract will be awarded sometime next month. Pleas take note for future meetings. Reclamation's funding request has passed the House, and is awaiting approval in the Senate.

Manji: Where do we stand in personnel for a contract/grants specialist and a fishery biologist?

Schleusner: These positions are still in personnel. I don't recommend filling the grants and contracts position. Priscilla Henson has been doing a good job already and the responsibilities fits well with her position. We just would not have signing authority. We are proposing to have a realty specialist on staff and have an agreement in concept for a full-time specialist. This position is of critical need.

Manji: Are we moving forward with the rehab projects and is the CEQA lead set?

Schleusner: Yes, CEQA leads have been assigned.

Orcutt: When the TMC takes an action, when do we cross the line of saying that obligating 2006 funds is OK?

Schleusner: Those numbers have changed, and in tomorrow's meeting details will be given. The numbers have gone down due to funds being found in FY05 to fund projects that would otherwise be funded in FY06. My question is how much discretion do I have to implement an activity without the TMC's consent? We found ways to save money through contracts and bids, and use it for other needs from FY05 funds, in which case we didn't need to take them from FY06. I think that it would be difficult to operate if we need to convene the TMC when funding amounts change.

Lagomarsino: What's the threshold for approval? Do we have ideas?

Hillemeier: There should be some flexibility to using extra funds.

Manji: It just adds question to me where the funds are coming from and what program element is getting shorted.

Further discussion of TRRP Office budget-shifting authority will be taken up at tomorrow's meeting. Specifically, when a mid-season changes in projects demand adjustment of budget, at what point must Doug consult with TMC prior to implementing changes?

<u>Information Item</u>: **Update on July 13-14th Principals Conference: Doug Schleusner**

- *Discuss draft agenda topics, desired outcomes, roles of participants, TMC support, field tour, other logistics*

Schleusner: I sent the draft agenda out for the principals meeting last week, and it has not changed much since the meeting was moved from May. This meeting has been talked about with many different entities. Very little time will be spent on background information; the focus will be on accomplishments, program partners, and project sites. The hot topic will be items that the principals will have influence in implementing such as a one time supplemental funding request for floodplain rehab projects. I need feedback from the TMC for ensuring that the meeting is successful. I feel that the TMC needs to take ownership of the meeting and should not be a TRRP- hosted meeting. Hopefully the principals will help in giving direction for the program and provide an outside prospective.

Long: I would like to make sure that the TMC members have some interaction with the principals and that I am not the one trying to do all of the talking.

Manji: Maybe discussion leaders should be TMC members.

Schleusner: It may take up too much time to have TMC members leading the discussions. We need to stay within a timeframe.

Hillemeier: I think that we need to be clear how the principals help us address the problems to the program.

Schleusner: As difficult as it has been trying to get these people together, we don't want them walking away saying "This was a nice informational meeting or field trips", we want action to be developed.

Orcutt: I would like to have someone from the Science Advisory Board address concerns regarding impacts of a reduced budget on the science program. I would recommend, for instance, that Clair Stalnaker present an SAB perspective to the Principals. Pending challenges needs to be formatted so the principals understand the issues and can help take action. I would also like an emphasis made about the trust responsibility of providing fish for tribal and public use.

Manji: We should have those who are deeply involved to interpret the challenges to the principals so they have a better idea where they can step in and help out the program. Some type of guideline on how the Council feels may be helpful.

Lagomarsino: We should touch on successes and challenges without going into so much detail that it overwhelms the principals. Maybe allowing TMC members a time to talk about a subject briefly may be useful.

Heywood: Contexts will be important for the principals to understand the connections with the rest of their potential coverage areas, such as how the Trinity relates to the Klamath. Other challenges such as funding should be stressed. Painting the future and vision of the program would also be beneficial.

Arroyave: What can we say as a united voice that helps to get our message across?

Orcutt: GIS would be of great benefit in portraying goals and successes.

Schleusner: Well rather than continuing with the specifics, please talk to me outside of the meeting when you get the chance if you have any other question/suggestions.

<u>Information Item:</u> **Sediment Monitoring Contract: Andreas Krause**

- *Overview of process, objectives, and results to date*

Andreas gave an overview of the sediment monitoring contract. He stated that the contract at $400,000 a year is a top notch offer for the type of work being done. Safety is the first main concern due to the monitoring taking place during high flows. He also showed a video clip of sediment monitoring in the field, which was well liked by the Council, and was asked if he could provide the video as an interpretation tool at the Principal's meeting. A hard-copy of the presentation was provided to the public and the Council.

10 Minute Break Called at 2:45

<u>Information Item:</u> **Update on Potential Late Summer Flows: Mike Long**

Criteria for determining onset of die-off conditions	Katharine Carter
Present conditions, Acquisition of water by	Pablo Arroyave
Reclamation; Monitoring coordination	Rod Wittler

Long went over the TMC's recommendation about fall flows that was approved at the last meeting. **: In response to letters from the Bureau of Reclamation and Fish and Wildlife Service, dated April 11 and April 13, 2005, based upon present knowledge and data available on 14 April 2005, the TMC did not recommend a fall, 2005, pulse flow and diverting ROD flows from their planned purposes in order to provide water for a fall pulse flow will result in not fully meeting ROD objectives. Therefore, the TMC does not support use of ROD water for fall, 2005, flow releases.**

He noted that it is a bit vague as to who would coordinate the determination for fall flows. He stated that this should be an opportunity to talk about the conditions on the Klamath. Pablo will give an update on where the Bureau is in finding extra water.

Arroyave: BOR was able to purchase 20,000 AF of CVP water from the Sacramento Valley Water Association at a cost of $618,000.

Orcutt: Where did the money come to purchase it?

Russ: John Davis found it in the regional budget, and it did not come from the TMC's budget. The cost last year for a similar purchase was $26/AF but is now to $30/AF.

Lagomarsino: Is this a contract & is it a done deal?

Arroyave: The details are not clear, but the water has been found and purchased.

Katharine Carter of the Klamath Fish Habitat Assessment Team (KFHAT) was introduced to the Council for a discussion about what that group does and how their efforts can be used for predicting an imminent adult fish die-off.

Katherine: KFHAT is a technical workgroup that monitors fish health and habitat conditions in an effort to provide early warning and avoidance of fish-kills. We have monthly meetings to discuss current conditions and collected data.

Heywood: What is the decision process to set criteria for warnings?

Katherine: It's on a best professional judgment scale. We would like to get to a level where we can say that based upon our analysis of data; certain things are likely to happen.

Orcutt: Is it juveniles as well as adults that the group concerns itself with?

Katherine: Yes, it includes both. We have noted that we would like more funding placed into juvenile monitoring because there is a severe lack of data.

Lagomarsino: I'm trying to get a feel for the mission of the group. What do you mean by avert a fish kill?

Katherine: It means that we would present the decision makers with the data that an imminent fish-kill is going to happen. All we do is provide information.

There was a general discussion about the development of criteria and how KFHAT's info can be used to produce triggers. There was some concern as to what should the response to those triggers be?

Then there was a general discussion about infection rates of juveniles within the Klamath River downstream from Iron Gate Dam and how they have varied since May 05. There was some concern as to how juveniles in the Klamath are vectors for the disease *C. shasta* and at what rate do they transmit it to Trinity Chinook smolts as they enter the Klamath mainstem. Infection rates appear to be density independent; being that the disease is transmitted via a spore that drifts downstream. Sampling has shown these spores to be more abundant as one goes downstream. It seems that disease within the Klamath is the main problem, as juveniles within the Trinity are showing zero contamination, but once they get into the Klamath/ they are quickly infected at high rates.

Long: So I would like to know what all this it means and what is our expectation as to who will be the one to determine an imminent fish-kill. Do we want something more than what KFHAT offers?

Orcutt: The late summer pulse flows were for protection of adults. The question at hand I thought was whether or not it is beneficial to Trinity River Chinook for a late summer pulse flow to be released. If beneficial, then where should the water come from outside of ROD flows? The third part was integration of management between the Klamath and Trinity basins being that BOR controls water on both sides, and what is the contingency plan. I think that DOI should take the lead in coordinating operation of Klamath Project with operation of CVP facilities on the Trinity.

Lagomarsino: I agree that Interior should be the lead, but KFHAT may be the way to look at this issue of fish health.

Katherine: I don't think our group can do that without more funding.

Wittler: I took the motion made at the last meeting to be targeted particularly at me and the other scientists within both Trinity and Klamath basins. We have not yet come up with what a hydrograph for fall flows would look like. The question about where the water would come from has been answered, but there are a lot of process based questions still hanging out there.

Manji: I look at the motion, and the criteria of onset needed to be developed. What we need to do is look at what will ensure that another adult fish die-off does not happen.

Hillemeier: Going through the motion, we have the water and monitoring; what we now have to do is develop criteria. The likelihood of an adult kill in much lower due to more rain, but we are facing a lowered run this year, and we may not have the problems we think may happen. But we need to develop criteria to ensure that the problem is diverted.

Wittler: Because of budget priorities, monitoring the effects of a fall flow is not in the 2006 budget. I don't think that it is represented in the full program budget either.

Manji: Monitoring is a BOR action, not a TRRP action. Since BOR came up with the water, it is not appropriate that the program do the monitoring.

Arroyave: I don't see it as just a BOR action, but rather think that it is a combined action by BOR and the TMC.

Orcutt: I don't think it's in anyone's interest to see a large adult or juvenile fish-kill happen. Everyone that is dependent on fish is in a dire situation. There is a federal trust responsibility that needs to be addressed. I think the Interior should be taking the lead. We need to look at the lay of the land and determine the costs associated with the issue.

Lagomarsino: If that's the case, it's out of the Council's authorization, and would require a letter to the Secretary of Interior to take action.

Orcutt: I think that it needs to start here. One part of restoration is moving Trinity River adults and smolts safely through the system.

Kautsky: It's the spatial and temporal scales we were dealing with in the motion. The TMC motion in regard to fall flows had little context in that it focused upon adults. It also did not specify that the water couldn't come through the Trinity River; it only asked that they find water outside of ROD flows.

There was more general discussion of integrating the two watersheds, monitoring them, and developing key triggers. Also discussed was the studying and monitoring of fish disease within the river system.

Hillemeier: I don't think that it should be the Klamath Task Force's Technical Working Group (KTWG); there already is a lot of overlap. I would recommend that the TMAG take the lead on coordinating the technical meeting.

Schleusner: The TMC motion regarding fall flows stated that the council did not recommend a fall flow due to mixing of fall/spring runs and other species concerns.

Long: Basically there was a recommendation of triggers to put in place so if a fish-kill is going to happen, the TMC can look at the info and make a decision. I would suggest that we come back to this and focus on whether or not the water BOR has bought needs to be released.

Heywood: Would it be possible to do a retrospective study to see if past conditions are close to the current conditions in order to make a decision?

Wittler: We are trying to deal with the priorities TMC already has established for us. We already have a full load. What we need is a statement from the council of what your priorities are. And if I must look at this issue, it will cost other elements of the program due to there being no allocation for those costs. How important is this issue?

Hillemeier moved to send a letter to the KTWG, TRRP Fish subgroup, KTF, and the TMAG to have the TMAG determine and coordinate the criteria, what would their recommendation be for flows, and what the hydrograph should be.

Arroyave: We need to keep in mind that this comes at a cost. If the water is not used this year, the information developed would be helpful in the future.

Whitridge: The TMAG should have some leeway to look at all of the options, not only releasing the water.

Manji: Should there be language that describes minimizes or mitigates harm for other species. The problem in the past has been the melding of the two runs together. It needs to be stated that we will do everything we can for a risk assessment.

Orcutt: I would like them to ensure that they integrate adaptive management. My other concern is how the KFHAT group will be involved as well as BOR Klamath Falls Office due to their water management responsibilities.

There was a friendly amendment to the motion to include KFHAT and the BOR Klamath Falls Office to the letter that is to be drafted to the TMAG.

Wittler has a concern as to where the funding will come from. He also has concern that this will impact other elements of the program due to the budget already been drafted.

Hillemeier moved the following:

TMAG will send a letter to the following organizations:

- TRRP Fish Subgroup
- Klamath Task Force
- Klamath Technical Work Group
- Klamath Fish Health Assessment Team
- Klamath Basin Area Office (BOR)

The letter invites those groups to a technical meeting to:

- Develop criteria for implementation of a pulse(s) flow in response to potential adult fish die-off conditions.
- Develop a pre- and post-flow monitoring plan in the context of AEAM.
- Address direct and indirect consequences.
- Develop alternatives to address fish die-off conditions:
    - Develop a Trinity River hydrograph recommendation(s) not to exceed 20 kaf
    - Develop a Klamath River hydrograph recommendation(s)
    - Other?
- Catalog new and existing information.

TMAG will report to the TMC about the results of the meeting by end of July, 2005.

Orcutt seconded the motion, but he contends that this is a trust responsibility issue that the federal government should respond to ensure that there is not another adult fish-kill.

Call on the motion:

County: Abstain
USFS: Yes
Yurok Tribe: Yes
BOR: Abstain
USFWS: Yes
NMFS: Yes
HVT: Yes
DFG: No
TRRP: Yes

Motion carries.

Meeting adjourned by Long at 5:25pm.

TRINITY MANAGEMENT COUNCIL
Red Lion Inn, Eureka, CA
Wednesday, June 22, 2005

Members Present: Mike Long, *USFWS*(Vice-Chair);; Pablo Arroyave, BOR; Sharon Heywood, USFS; Irma Lagomarsino, *NMFS*; Mike Orcutt, *HVT*; Dave Hillemeier, *Yurok Tribe*; Neil Manji, *CAF&G;* Joshua Allen, Trinity Co. (alt. for Jaegel & Stokely);

Others Present: Doug Schleusner, Ed Solbos, Rod Wittler, Priscilla Henson, Bob Sullivan, Andreas Krause, & Nina Hemphill, *TRRP*; Russell Smith, *BOR*; ; Bill Brock, *USFS;* Jerry Barnes; CJ Ralph, *USFS*; Joe Polos, *USFWS*; Tim Hayden, *Yurok Tribe*; George Kautsky & *Robert Franklin, Hoopa Valley Tribe*

Meeting was called to order by Mike Long at 8:35 am.

Mike Long thanked Joshua Allen for his participation as an alternative and minute-taker for this week's meeting. He stated that doing such is difficult, he has been doing a good job, and the Council would just like to thank him for his efforts.

Pablo made a statement about his abstention vote: "*Given the importance of the decision whether or not to use the 20k AF of late summer flows in 2005, I would like to clarify my abstention on Hillemeier's motion. I abstained only because I was not convinced that the motion was sufficiently focused on the most critical information needs in the next couple of months to decide whether or not to release the supplemental water.*"

FY2006 & Full ROD budgets will be discussed concurrently.

Manji moved to approve the minutes for the meetings of April, with the incorporation of edits made by the TMC members; the motion was seconded by Irma, and was unanimously approved.

Action Item 1: **FY2006 Budget;** *Review, modify (if necessary), and approve budget for FY2006 program of work.*

- Overview of budget picture — Doug Schleusner
- Details of Implementation Budget (RIG) — Ed Solbos
- Details of Modeling & Analysis Budget (TMAG) — Rod Wittler
- Details of Program Administration Budget — Doug Schleusner
- TMC discussion and decision — Mike Long

Schleusner summarized the budget development process for 2006. He stressed Byron Leydecker's management process. He then spoke about the program's goals/objectives followed by examples of budget linkages to the program. A review of TMAG recommendations was briefly touched upon, as well as RIG recommendations. He stated that the TMAG needs determination criteria, followed by giving the RIG's priority criteria, and then reviewed the B-Team's comments. Points were given about the integrated TRRP Staff priorities for fiscal year 2006 such as prioritizing and implementing floodplain modifications.

There was general discussion about the directives of the ROD and priorities of the program.

Manji has concerns with the timeframe of the program's work and the budget associated with it.

Solbos noted that the cost of realty has been a detriment to the program and implementing floodplain work. He feels that it is of high importance that the program has a realty specialist for the program to move forward.

Wittler made note that construction projects increasing fish habitat are of high priority for the 2006 budget. Manji said that there may be a problem trying to figure out how many fish were saved or produced due to habitat rehabilitation.

Solbos explained the budget and the changes made to it. He made note that there has been ~$90k increase in the TMC approved budget for a realty specialist that is shown in the President's budget. He then explained some of the problems associated with implementing floodplain projects with landowners in the Poker Bar Roads area. Schleusner noted that the TMC has approved 16 positions for the program, with the addition of a realty specialist and a GIS specialist, there would only be 15 positions within the program. Solbos also explained that the DWR HEC-RAS model was a contracted amount; the extra $200k for Salt Flat/Biggers Bridges modifications is a negotiation for impacts to the contractor due to flow changes, and the other necessary changes to the budget.

Orcutt: New properties are being developed (construction of buildings/roads) along river banks, permits are being issued, and the well grant program is underway; how much influence does the TMC have over monitoring and permitting?

Solbos: We've been working with the County for review of permits, plot plans, and etc...

Orcutt: Have you been working on preventive issues?

Solbos: Yes, the well grant program is exactly that, preventive measures. We have been involved with realtors and the public that are looking at buying property next to the river, and we advise them what can or cannot be done. It is now a very extensive part of our project.

Schleusner: These numbers represent estimates using the best info available, but it hard to tell what the cost will be, being that things change. But we need to identify what needs to happen to implement projects. So do we have the ability to negotiate a change in cost or do we have to come to the TMC for every change?

Solbos: Being able to wheel and deal on property items is a big part of our projects and it would create difficulty to the program to get approval on each negotiated change.

Orcutt: Now that we've gone through a couple of planning and implementation concerns, and the concern of litigation, will the CEQA/NEPA compliance be less costly?

Solbos: There should be a good savings in using the same documentation for different floodplain rehabilitation sites because many of the impacts and mitigation measures will be the same. Though I would like to be able to get away with not having to do a full EIS/EIR and do a mitigated Negative Declaration.

Hillemeier: You mentioned that it is important to do the floodplain program due to rising costs. Have you informed landowners that the ROD has been signed, and their responsible for any floodplain improvements?

Solbos: Yes, we are working with the County to inform builders that they build structures within the floodplain at their own financial risk, and working with the pre-existing landowners to ensure that impacts to their property are solved.

Hillemeier: I think that the program should not be paying for property impacts after the signing of the ROD.

Solbos: Yes, we are making sure to inform current and prospective landowners of the impacts and making them aware of financial risks.

There was general discussion about building taking place within the floodplains, and an example was given about a cabin that the County permitted to be built in Poker Bar, but the builder did follow the language of the permit. There was concern about what would happen. Allen assured the Council that the situation is being remedied by the County by either having the owner fix or demolish the building, and that steps have been put into place to ensure that in the future builders are keeping to the language of permits by requiring checking of foundation levels before building continues.

10:30 Break

Solbos continued his explanation of the budget for FY06.

Manji noted that the design of floodplain rehab project could reduce the cost of the projects. Solbos noted that the cost to remove sediment gets lower the more bulk material is moved, and that the program has done everything they can with the design to save funding for other uses and to reduce the amount needed to fulfill implementation.

There was some discussion about other available funding for floodplain projects, such as the County's grant proposal for $500k from the DFG Fisheries Restoration Grant and $250k from the EPA Watershed Grant. The problem is that those funds cannot be counted on for the projects because they have yet to be approved, and if approved, refunding of the funds from these grants is done in arrears meaning that the program has to pay for the costs upfront. There is some concern as to what to do with the extra funding for implementation projects if & when the grant proposals are approved. Does the money just go back to the RIG budget or should there be an advance plan approved by the TMC?

Lagomarsino: I question whether or not we will have the ability to allow full flows, if there is a gap in the budget for floodplain implementation; will it impede our ability to approve those flows?

Solbos: I would say no. All the deferring of cost is in rehab sites. What I see as a problem if we don't get any more funding is the Lewiston and Bucktail sites if we don't get more funding in FY07. This is all assuming that we do the Indian Creek rehab site. We'll award the contract in 2006, but construction won't start until 2007. We would be able to do the flows; we are trying to ensure that we can meet 11k cfs + 10 year trib inflow for spring 06. Rehab work is at risk going ahead with this schedule.

Wittler gave a summary of the Modeling & Analysis portion of the budget. He explained the IIMS funding and how the program is going to partner up with other out of area offices to produce an Integrated Info Management System. The program is dropping four stream flow gages at about $18k each.

Orcutt: What is the critical reason that the budget needs to be approved today, being that last year we approved the budget in September?

Wittler: What happened this spring with budget development took up much of my staff time. We were not able to get the integrated plan and science framework done, as we spent so much time on budget related issues.

Schleusner: It's really important that we have work load management and get closure on projects. We ought to strive to get a budget approved because there is a lot of work relying upon having an approved budget. I'm not sure that we would make a good decision if we defer it, and with the principal's meeting, we would be looking at approving the budget after July.

Wittler: Once I have a budget approved, I can get my staff moving on work. My goal is to use the contracting work to support the Integrated Monitoring and Evaluation Plan (IMEP). Anything that interrupts that will make it difficult to get our contracts done, which affects other partners programs.

Long: I would like to get the budget passed today.

Wittler resumed his explanation of the modeling & analysis budget.

There was a general discussion about the budget for modeling and analysis and how the data provided by this portion of the program is shared and used by other agencies within the basin. The question at hand seems how one maintains the integrity of the program without more funding.

12:30 Lunch

Schleusner gave an overview of the program administration budget. He broke down what the expenses in the AEAM Team Weaverville office. He gave an explanation of the TAMWG member travel reimbursements and how the amount claimed last year was doubled to allow the TAMWG to be more active.

Orcutt: Where do technical questions for out-migrant sampling fit, the independent review panel or another review, and where does the funding fit in?

Wittler: We need review from outside consultants to look over our work, and then we take their results, and incorporate it into our work. Projects need peer review, but funding levels as they are makes it difficult. So it requires me to find someone within BOR or elsewhere to take a day from their work to look at out results.

Schleusner then covered the TMC participation funding and wanted to point out what the full program FY06 costs were. One approach was to have agencies absorb those costs or figure out what their cost proposal would be by sending out a questionnaire. Some people gave numbers for both elements, some for all elements, and there were some who did not show what the funding was going towards. There were four main categories for funding; Primary Member costs, Alternate &/or Technical Representatives, Document Review & coordination with TRRP staff, and non-project participation support.

Long: Those costs may be able to go up later in the year due to funding becoming available from other sources, but we target our program to ensure that we can meet the minimum for non-project costs.

Arroyave: It is clear to me a lot of work has gone on in getting this budget together. I move that we approve the 50/30/20 split, and within that give the program discretion of how to spend the money from the spilt in the context of the proposed budget.

Heywood seconded the motion by Pablo.

Orcutt: My concern in the interest in moving forward; is that the balance here moves a lot off the table I think is important. The science program being one of those elements, and I am concerned that the TMC may accept the proposed budget, only to find later that we have a lack of data, and a failed science program. For instance, the outmigration sampling is very important. I would like to see that we hold off on the approval of the budget. I would advocate that the implementation concept needs to look at what works, does not work, etc. I would like to see the science advisory board set up like Pacific Fisheries Management Council (PFMC) and report independently to the TMC. I have a counter-motion to offer, but right now I am speaking in opposition to the motion on the floor.

Manji: I want to clarify, are we going to be voting on the 50/30/20 split.

Arroyave: I want to stress that there has been a lot of work been put into getting this budget together. Secondly, I would like to clarify that with the split, there can be some flexibility. There has been serious discussion and lots of time placed into getting this budget together, and I'm not sure that it can get any better.

Orcutt: There is a high degree of potential that $750k in grant funding may be come available, what happens when it does, and what will happen to the extra $750k of funding made available from the projects?

Long: I have a few questions. I'm concerned that on the TMAG side the budget is barebones, and it seems that some of the core items have been cut where other portions that are more necessary are not being cut. To me screw trapping is much more important that avian monitoring, and I'm not sure that such monitoring is necessary.

Wittler: The quality and quantity of the info from the sediment monitoring goes directly to the sediment monitoring of the flow study. I don't think that the previous info available was adequate in allowing for management decisions. But it was the best we had available at the time. With the current funding, the sediment monitoring can now be used properly for management and will be on par with the other monitoring elements. With the screw traps, we cut the time down so we are not counting moving fry but rather outmigrating smolts. With the birds & herps, it is the only monitoring that we are doing in that area that meets ROD requirements as well as best management practices for implementation. We are hedging our bets to get the data at a minimal level, but at a level that shows that the studying was taking care of, so we don't end up getting our projects shut down due to not having the studies done or proper mitigation measures in place.

Sullivan: I think that it goes back to environmental compliance. If we don't show that we provided proper mitigation, the program is at risk of litigation by just about anyone if does not show that the proper steps were taken. In the past, the Avian/Herps studies in the past were not sufficient enough to do this.

There was general discussion between the difference of CEQA and NEPA and the mitigation measures needed for such documentation. If environmental compliance is not done correctly, permits can then be lost. Conversely, we must be conservative in our use of resources to ensure that we are optimizing budget.

Orcutt: Back to the proposal, I'd ask that we look at certain concerns. This deficit spending is obligating money from future years. In terms of construction vs. monitoring, fish come in at a certain time of year, and we are counting on money coming in for our monitoring. It seems to me that there is enough latitude to do everything we need to take care of in this fiscal year. My preference is that we move money from the RIG budget and place it into the TMAG budget. My concept is a 40/40/20 funding.

The motion was still on the table by Arroyave.

Arroyave: If we went to a 40/40/20 instead of the 50/30/20, then we will have to come back to this budget. 10% is a large chunk to move around.

Manji: I too have concerns, such as aspects of the budget can be diverted to a fall flow issue, and the way it gets diverted is through RIG modification. I have concerns that the science framework will be delayed if we ask the TMAG to determine fall flows, as well as deficit spending in that we will hit the wall in FY07 unless someone bails us out. My concerns are based on what happens on the monitoring portion of the program and not who gets funding.

Sullivan: The program budget works as a check and balance. You don't have enough money in the science program, but understanding the demand for habitat construction to occur; what's the difference to cutting a small portion of a project to gain more on the science side?

Schleusner: If there is a shift away from the implementation of channel rehabilitation projects I think concurrent with that the TMC needs to state they are willing to extend the timeline of implementation.

Orcutt: I don't see a reason for extending the calendar for implementation of channel rehabilitation projects.

Hillemeier: If we take money out of the RIG for funding that is not secure, then the implementation portion will definitely be delayed.

Solbos: I want to address that the funding is paid in arrears, so if we did get the funding, it would supplement the FY07 funding.

Long: I am leaning towards making sure that we get the data that is needed.

Wittler: We need to ensure that we have the data in house to make sure that work can get done. Right now we don't have it.

There was some discussion about marking of fall chinook and coho in the river and where the funding comes from.

Hillemeier: In regard to potential relief, it will only result in saving to the program $250k in FY06 expenses.

Solbos stressed that funding from those grants is paid in arrears. Hocker Flat has to go forward as well as the Poker Bar Road project. Savings can be found, but at a cost to the floodplain and structure relocation projects, which means looking only at 8,500 cfs not the 11k cfs flows.

Hillemeier: I think the idea of focusing on the rehab projects is of vital importance.

Allen: The County thinks it is of vital importance to implement the floodplain relocation projects and ensure that 11k cfs + 10 year trib inflow for next year takes place with this budget.

Orcutt: If you got notification that the $500k is granted, then wouldn't that offset the budget?

Solbos: The most we can save in FY06 is $200k.

Manji: I had thought we had talked about the amount of flows in the past and agreed that 11k +10 year inflow is the goal of the program. And changing that to 8,500 cfs would create other problems.

Schleusner: As far as scheduling, I really believe that if we make such large shifts, then the program goals will be shifted out to 2009.

Hillemeier: I would propose a friendly amendment that consists of moving $285 from the RIG budget from the Indian Creek work to the TMAG budget in the hope that the funding would be available from the grants, and the TMAG would get together and decide how to use those funds for shortfalls in their program, and make a recommendation to the TMC for approval.

Arroyave: I would like to add that if the grant funding does come in, the funding goes right back into the implementation of the Indian Creek project.

Orcutt: I would like to make a friendly amendment to add an extra $115k to the TMAG fishery budget from the RIG's Indian Creek Project for a total of $400k.

Arroyave: I would like us to move on my motion and add Hillemeier's friendly amendment to it.

Schleusner: We would prefer that you don't go down this road. It dilutes the process that has already taken place. We would meet the intent of this motion, but a lot of that type of work has gone on, and the TMAG has a better idea where those funds could be used if shifted. Trying to convene a meeting with all of the participants is not appropriate.

Hillemeier: I think that the TMAG would benefit meeting with the technical groups, so I think that the one day meeting would not harm anything. They would eventually be coming to the TMC for approval.

Manji: I agree with Hillemeier, it is much like the situation of last year. My overview would be to try to get some of the players to discuss with the TMAG so we are not blindsided on a conference call. This way we can get info back to us.

Schleusner: I would like to point out that there have been extensive discussions between the technical team about the budget.

Orcutt: This concept of where the $285k came from, I'm going to reflect back to my comments about the monitoring portions of the program and the latitude that seems to be given in construction budgets. I would like to see at a minimum the amount raised to $300k. I am concerned that the TMAG has put a lot of work in, but there can be improvements. I would submit that there are times that tribes are directly or indirectly under the microscope compared to federal projects. We can always improve on things.

Arroyave: I think given the discussion I've heard, I think that I would stand by my motion with the friendly amendment by Hillemeier.

Back to the motion on the table:
Pablo moved that TMC approve the 50/30/20 split, and within that, give the program discretion of how to spend the money from the spilt in the context of the proposed budget, along with Hillemeier's friendly amendment to move $285k identified for Indian Creek implementation and move it to the TMAG portion of the budget, have a one day meeting with the TMAG with the technical representatives of TMC and TAMWG, and come back to the TMC for approval. Heywood upheld her seconding of the motion.

Call on the motion:
DFG: Yes
HVT: No
FWS: Yes
BOR: Yes
Yuroks: Yes
USFS: Yes
County: No

Motion fails due to lack of appropriate amount of approving votes.

Manji: Is it appropriate to assume from the County that any reduction from Indian Creek implementation would receive a No vote, being that I know Stokely would be very vocal about the reduction.

Allen: Yes, that is correct. Indian Creek is of vital importance to the County, and we are not comfortable counting our chickens before they hatch.

Orcutt moved the following:
Whereas, the TMC recognizes that the current estimate of FY 2006 budget would not be sufficient to fully implement the ROD implementation, the Council moves to adopt the budget as presented by TRRP with the modification of shifting $285k from the "Indian Creek Project" of the RIG to the TMAG and that a one day technical meeting be convened by the TMAG to allocate these funds. If consensus is not reached the TMC would convene a meeting to resolve the budget allocation further. Finally, in the event that any further funds are made available to the Program, the TMC would be also consulted as to the disposition of these funds.

Arroyave: I have concern with this language, as being a federal agent who is supposed to support the President's budget, the language is inappropriate. I think that the stakeholders have other venues for dissent, this statement may not be appropriate from the TMC.

Orcutt withdrew his motion.

Manji: Is there any other areas of the RIG that $285k can be saved and placed in the TMAG budget without targeting Indian Creek?

Solbos: It's hard to say. Most of the rehab projects don't have much room for change.

Wittler understands that partners have issues with portions of the budget, but he would like to stress that it is important the Council moves on with the budget. There have been extensive reviews of the budget by the program for the last two months, and not fulfilling the work would be a waste of past time. He asked that TMC looks at the budget, even if they don't agree with certain line items, that they uphold the work taken, and approve the budget as it stands.

Long: I would like to get us past this issue. The budget is not perfect, but it is the best that we can work with for now.

Solbos: We could defer dredging at Hamilton Ponds to pick up $100k, but we're still short. We could try to take more funding from the Canyon Creek project.

Orcutt moved that the TMC acknowledges that $15.4M estimated in FY06 is need for full implementation of the ROD. Given that $10.6M is estimated to be available, the TMC recommends that $285k from the RIG portion of the budget be moved to TMAG portion of the budget. This is a deviation from the 50/30/20 split recommended by TRRP. Hillemeier seconded the motion.

Schleusner: The $285k could come from the Hamilton ponds and a portion of the Canyon Creek project.

Wittler: We been using the Hamilton Ponds as a way to say that sediment issues are being addressed, and if we had a spill we are looking at a potential hazard.

There was some general discussion about the venue for saying that the President's budget is insufficient to meeting ROD goals.

Allen asked where the $285k is going to come from if not from the Hamilton Ponds or the Indian Creek projects. He stated that the County does not like that this amount is not identified specifically from any portion of the budget.

Orcutt responded that it would be up to the discretion of the program.

Call on the motion:
USFS: Yes
Yurok: Yes
BOR: No
FWS: No
HVT: Yes
DFG: Yes
County: No

Motion fails.

Orcutt moves that the TMC moves to adopt the budget as presented by TRRP with the modification of shifting $285k from the "Indian Creek Project" of the RIG to the TMAG and that a one day technical meeting be convened by the TMAG to allocate these funds. If consensus is not reached the TMC would convene a meeting to resolve the budget allocation further. Finally, in the event that any further funds are made available to the Program, the TMC would be also consulted as to the disposition of these funds. Hillemeier seconded the motion.

Allen: The County is still uncomfortable that this motion specifically targets the Indian Creek Project.
Call on the motion:
Yuroks: Yes
BOR: Yes
USFS: Yes
FWS: Yes
HVT: Yes
DFG: Yes
County: No

The motion is approved.

Orcutt moves that the TMC has reviewed and concurs with TRRP analysis of a full ROD Program Cost Estimate. TMC supports exploring all additional sources of funding to meet full implementation costs in future fiscal years. Motion seconded by Hillemeier, approved unanimously.

Doug will draft a response to TAMWG's letter and send it out to the TMC for approval.

<u>Action Item 2:</u> **Full ROD Program Cost Estimates;** *Review and discuss full implementation budgets*

- Overview, continued updates/refinements
- Concept of supplemental appropriation for Realty costs and structure modifications
- Other sources of funding, Principals Conference
- Future agency budget requests (FY2008)

There was a general discussion about the principals meeting, and of specific concern is whether or not to bring up the problems with the budget.

No Action was taken.

<u>Information Item</u>: **U.S. Fish and Wildlife Service Budget;** *Explanation of budget request and funding allocation process for Trinity River activities (tentative)*

Long gave a brief presentation about the USFWS budget due to the meeting running longer than what was scheduled. A hardcopy handout was made available to the public.

<u>Regular Business:</u> **Open Forum**: Comments from the public

Gil Saliba would like to offer support on the behalf of the Northcoast Environmental Center & the Audubon Society for their conservation efforts.

Calendars: Confirm next meeting date and location

- Next TMC scheduled tentatively September 19 - 20 at Weaverville.
- TMAG & Tech Reps to discuss budget items on June 30 in Weaverville at 9am. Disposal of the $285k will be their first issue followed by discussing the fall flow issue.
- The fall flows meeting will be after the Principal's meeting.

Meeting adjourned at 6:00pm.