

Trinity Management Council Minutes

Date: June 29-30, 2004

Location: Trinity County Library, Weaverville

Summary: June 29, 2004

Chairman Mike Ryan called the meeting to order at 9:20 am.

Summary of Actions Taken at the 6/29/04 TMC Meeting

A motion to approve the minutes for April 14th was made by Mary Ellen Mueller, and was seconded by Bill Brock (for Sharon Heywood). The motion was approved unanimously.

A motion to approve the minutes for April 28th was made by Tom Stokely, and was seconded by Neil Manji. The motion was approved unanimously.

Action item; A progress report and action report should be prepared for the September meeting of the TMC on floodplain relocation issues.

Summary: June 30, 2004

Summary of Actions Taken at the 6/30/04 TMC Meeting

It was generally agreed to send a letter to regulatory agencies requesting their assistance regarding wildlife issues.

A conference call was scheduled for July 27th at 2 pm to decide high priority projects that require funding on October 1.

Trinity Management Council Minutes: June 29, 2004

Location: Weaverville Library

Chairman Mike Ryan called the meeting to order at 9:20 am.

TMC Members Present: Chairman Mike Ryan, *USBR*; Vice-Chair Mary Ellen Mueller (MEM), *USFWS*; Sharon Heywood, *USFS*; Irma Lagomarsino, *NOAA Fisheries*; Mike Orcutt, *Hoopa Valley Tribe*; Dave Hillemeier for Troy Fletcher, *Yurok Tribe*; Neil Manji, *CA DF&G*; Tom Stokely for Ralph Modine, *Trinity County*.

Others Present: Executive Director Doug Schleusner, *TRRP*; George Kautsky and Robert Franklin, *HVT*; Tim Hayden, *Yurok Tribe*; Arnold Whitridge, *TAMWG Chair*; Curtis Anderson, *DWR*; Bill Brock, *USFS*; Jeff Phipps, *WAPA/CVP Power*; Andreas Krause, *TRRP*; Serge Birk, *CVP Water*; Scott McBain, *McBain & Trush*; Glenn Yoshioka, *the Public*; Randy Perris, *NRCS*; Tom Weseloh, *CALTROUT*; Pat Higgins, *Kier Associates*

Regular Business:

Mike Orcutt suggested adding an “Action Item” to the agenda where necessary.

Approval of TMC Minutes of April 14th & 28th, 2004

A motion to approve the minutes for April 14th was made by Mary Ellen Mueller, and was seconded by Bill Brock (for Sharon Heywood). The motion was approved unanimously.

A motion to approve the minutes for April 28th was made by Tom Stokely, and was seconded by Neil Manji. The motion was approved unanimously.

Bill Brock asked about the Rush Creek berm washing out; Andreas Krause stated that a small portion in the center would wash out, but it's only a 100' reach.

Report from TMC Chairman Mike Ryan: He reported that there is a willing buyer as well as willing seller to acquire 25,000/AF for higher flows this summer/fall to help prevent another fish kill in the Lower Klamath River. DOI will help to find funding. At ~\$27/AF, this equals approximately \$675,000. The Bureau of Reclamation is starting to begin the environmental documentation.

He also reported on the Metropolitan Water District of Southern California (MWD) water carried over in Shasta from the previous year. BOR had entered into a contract with MWD to put up to 50,000 AF into storage in the federal system. They were able to back up 46,300/AF into storage, and they released 33,000/AF. BOR thinks that 13,000/AF is still in storage that could be added to available volume this year, which would total 38,000/AF (with the purchased water). The target to get into storage is 50,000/AF, though they need to complete an environmental document. Existing litigation may have an impact on the availability of the water. The TMC should consider preparing for the question of how to use the water if it does become available.

Mike Ryan also stated that the seller was the Sacramento River Water Contractors' Association (SRWCA) who are senior Settlement contractors. SRWCA holds the water in a pool for sale to other members. BOR has used it in the past for wildlife refuges. Ryan said he has made a decision to purchase it and have it available if needed. He doesn't know if the money is reimbursable or not. He doubted this water could be carried over if it is not all used this year.

Tom Weseloh also expressed concerns about not using it all, and having it available next year as carryover. He requested that he be kept up to date on this topic.

There was a general discussion about the origin, purchase, use, and appropriateness of water for late summer releases to avoid another fish kill in the Lower Klamath River. Concerns were expressed about the potential budgetary impact of such a purchase on the Trinity River Restoration Program budget, as well as other related issues.

Report from TAMWG Chair Arnold Whitridge: He reported that the TAMWG met on 6/15 and spent the majority of the day talking about the budget. They came up with 10 budget related recommendations. The TAMWG is interested in the TMC Subcommittee Report. You can see in TAMWG's budgetary recommendations a solid footing in the science program, and getting the program back on track with the ROD. People are getting "cranky" about the budget, and there is a lot of "restlessness" about how the budget is to proceed.

MEM added that the TAMWG is very upset about high administrative costs plus the lack of a TMC response to the TMC subcommittee report.

Serge said Doug did a good job of listening to concerns. He added that the TAMWG mostly focused on budget issues. A couple of concerns stood out and it is requested that the TMC take care of the matter. Most notably is funding support for TMC member agencies; there is a large budget (\$1 million), though need for that funding is not adequately justified or clarified. There is language in the articles of incorporation that specifically deals about not paying TAMWG member salaries. However, some TAMWG members would like consideration for payment of travel expenses and per diem for TAMWG members to go to meetings like this and the Lower Klamath Science conference.

Serge's own personal emphasis is that prioritization of funding items should focus on things in the ROD. Specially, what kind of criteria will the TMC use to fund one project over another?

Rich Lorenz said that there was not a consensus on asking for funds to help offset TAMWG members' costs for participation.

Mike Orcutt asked if there was discussion or thought on a TAMWG subcommittee being assembled to work on a budgetary planning process to attempt to obtain funding in the future. Serge responded that stakeholders are interested in influencing the budget. However, it should be needs based and offered to support components that stakeholders and agencies both agree upon.

Weseloh said stakeholders are interesting in being involved with the budget process. Regarding the TAMWG line item, they don't necessarily want to be paid for their time; the issue is that they don't get compensated whereas the TMC does. TAMWG goes to TMC meetings, though the TMC doesn't go to TAMWG meetings. The stakeholders who are TAMWG members or their alternates would like to be able to obtain per diem/travel costs for related meetings, such as TMC meetings, workshops, subcommittee meetings, etc.

He also said that the proposed TMC member participation costs in the draft budget were not justifiable with the information presented to the TAMWG. One TMC member agency's allocation is equivalent to or more than the entire TAMWG's annual budget. If it covers more than meetings, the TMC members should provide better justification for this expense.

Report from Executive Director (ED) Doug Schleusner: He reported that a written copy is available at the meeting.

At this time there is no replacement for the Resources Agency position. Neil Manji is filling that role until a permanent decision is made.

The vacancy announcement for Technical Modeling and Assessment (TMAG) branch chief closed on June 25th; there were 19 applicants for that position. The TMC and Science Advisory Board (SAB) will participate in the review of applicants.

Stuart Root had to resign from the (SAB). Doug sent out about 20 request letters to potential candidates.

Rich Miller resigned to take a job in San Diego and left on June 25. They will start outreach for recruitment of that position as well.

On May 14, BOR officially awarded the second bridge contract to Engineering Demolition of Idaho for the Poker Bar and Bucktail bridges. Advance crews are out on the ground doing preliminary surveying. Work will begin in July.

ESSA is moving ahead on the scientific framework for the workshop that will be held Oct 15-18. Bill Brock is working on it for the TRRP office. The draft framework document will go out a month ahead the conference to be reviewed. There will be a second workshop in April.

Sharon Heywood asked if the bridge contractor would use local employees. Doug said the hub zone process applies that is for small contractors, though there was only one local bidder who withdrew his bid.

Pat Higgins said public outreach and data management are not in the ED's report; he would like to address those subjects during the public comment period today. He defers to the chairman for the time to bring this up.

Orcutt asked about the letters sent to the BOR, USFWS directors, BLM and DFG regarding requests for additional funding, when will we receive responses to them? Doug said he can't predict when he will get responses and he hasn't received them yet.

There was a general discussion of the CVPIA Restoration Fund (CVPIA RF) and how it relates to the Trinity River.

Public Comment:

Pat Higgins distributed Version 3 of the Klamath Resource Information System (KRIS). \$250,000 was spent on KRIS over the past several years by the TRRP. \$650,000 was also provided by the State Water Resources Control Board (SWRCB), Klamath River Task Force (KRTF) and USFWS. There is a CD full of bibliography and map information. Kier Associates has also received \$650,000 from the California Dept. of Forestry and Fire Protection, as well as additional funding from the Sonoma Co. Water Agency for KRIS Coho.

There is a map tab built into KRIS that can be used without Arc Info. KRIS contains thousands of databases. He showed it to the ESSA representative. It's clear that ESSA is developing a corporate database for the scientific framework. KRIS is a linkage between all entities in the basin, very different from the scientific framework.

Higgins also said that a public outreach line item is necessary. Program isolation has had a negative impact on the TRRP public image in the past. He stated that KRIS is a mechanism for public information dispersal. TCRCO is the primary public information contact in the basin. He asked for input from the TMC members about KRIS, but received no response.

Higgins asked if it is the intention of the TMC to fund KRIS. If not, then why not, and when will this happen? No response was given.

Weseloh replied that he wanted to clarify the TAMWG's concerns with the costs of TMC administration. He believes the line item is not adequately justified nor is the description good enough for the funding provided. He would like to see a detailed list of the number of vehicles purchased, computers, equipment descriptions, etc. The TAMWG doesn't know what costs are justified based on a single paragraph explanation.

Weseloh thanked the TMC for dealing with the TMC subcommittee report. CALTROUT and Friends of the Trinity River (FOTR) both support the findings of the subcommittee report. He said the importance of tributary restoration couldn't be overemphasized. It's clear that the TRRP is not going to meet Endangered Species Act (ESA) needs with mainstem activities alone. The TRRP must therefore restore tributary habitat in order to restore coho. When counting coho natural adults from the wild, there are more adults than smolts.

The hatchery marking program in the proposed budget is a mitigation issue, which is not applicable to the TRRP; it should be paid for by a separate account as mitigation, not within the TRRP budget. Marking hatchery fish is an appropriate cost of doing business at the hatchery, just not with the TRRP budget.

Weseloh also stated that there is no money in the budget for Scott Foote of USFWS to do *Ceratomyxa* research. We need that information; migrating fish to the Trinity enter the Klamath, though we don't understand the impact of it on Trinity salmonids.

Weseloh noted that when the TAMWG and others raise the issue of administration; there is a difference between implementing a program and just plain administrative (overhead) costs. It does support activities in implementing the ROD and Science framework.

TMC Subcommittee Report

Schleusner facilitated the discussion. There were 23 recommendations, of which 9 of them have budgetary ramifications. He distributed a draft review form for discussion.

Orcutt would like the opportunity for an Executive Session to discuss this without the public present.

Schleusner reported about advice from the Solicitor's office; it would be problematic to have an executive session, and it was not included in the bylaws.

Schleusner went over the draft template he had for dealing with the TMC subcommittee report. Mr. Ryan had previously suggested that the TMC go through the budget related items first. Mr. Schleusner noted that pages 5 & 6 should be corrected to say "Budget Related Report Recommendations". They erroneously said "Non-Budget Related..."

Manji agreed that going through the budgetary items first was appropriate.

It was decided to work on budget-related items first.

1. Develop the integrated science-based modeling and assessment program that is necessary to support the AEAM program. Schleusner noted that this would be difficult to proceed with until the TMAG Branch chief position is filled.

2. Fully staff the TMAG with persons qualified to conduct the modeling and assessment activities, guide restoration actions, and develop the contemporary science framework process. All agreed this is vital.

Schleusner stated that it falls back to staffing levels. He had identified 3 new positions to implement the actions; accelerated rehabilitation site construction and TMAG. In the process of bringing activities to the expected level of funding, a physical scientist as well as a fisheries biologist were removed, both secondary positions. By filling the current vacancies, they can do the science framework. Without the new positions, the tradeoff is that his office would deal with project management and routine business as usual. It wouldn't allow staff to get into predictive modeling.

There was a general discussion about the need for the science framework and the sequencing of channel rehabilitation, other projects, NEPA/CEQA, permitting, engineering, design, and construction. There are 43 hypotheses in the Implementation Plan for the ROD.

Stokely suggested that if the science framework is so important, there are ways to pay for it, such as capping costs for administrative charges and monitoring programs.

Orcutt said the TRRP needs to get more funding, not cut costs.

Schleusner wanted permission to be able to contact GSA to obtain additional office space next door that is still for lease. If he fills positions, he will need the extra space.

3. Develop the science framework, including current status of the river (baseline) and comprehensive monitoring and assessment plans.

Stokely suggested that if the Science framework is important to determine what monitoring projects need funding; if TMC is not sure of which monitoring is necessary, perhaps they should cut some of the \$3.8 million in the TMAG budget to pay for the staff and science framework before it's spent on studies that might not be needed.

Schleusner noted that in the project descriptions, the monitoring projects that are likely to be part of the baseline and science framework can be considered under the budget at Wednesday's meeting.

There was a general discussion about the ESSA science framework and the need for it.

4. Ensure completion of bridge construction and structure relocations by early spring 2005 to allow for higher flows in the litigation constraint is removed and wetter water year occurs in 2005.

There was a general discussion of the Little Yellow House and other non-bridge floodplain issues. Stokely expressed concern that with the loss of Rich Miller, progress on this item is slowing.

Action item; A progress report and action report should be prepared for the September meeting of the TMC on floodplain relocation issues.

Adjourned for lunch 12:35 to 1:45 pm

Irma asked for additional clarification of the ESSA contract for the scientific framework. The information provided here is not adequate. There is a need to look at it holistically. It is necessary to identify what ESSA does, as compared to the staff.

There was a general discussion of ESSA contract and Science Framework; plus the need for the TMC to fully understand how it all fits together. Several TMC members asked for more information on the Scientific Framework.

Orcutt suggested that the subcommittee work with Schleusner's office and the subcontractor (ESSA) to resolve some of the issues identified in the Subcommittee Report.

Is there a distinction between technical Representatives of the TMC in the subcommittee and the Steering Committee?

The steering Committee of Scientific Framework has about 6 members.

Motion by Orcutt to empanel a technical subcommittee comprised of interim program evaluation report committee members, plus anybody else at Schleusner's discretion, to develop a plan of action for items 1-3 on page 5 for fiscal year 2005 and beyond. In addition to the scientific framework components, including budget recommendations, and identification of detailed accomplishments already achieved. Seconded by MEM.

Hillemeier asked if it would be more appropriate to work with the Steering Committee rather than the TMC subcommittee. However, if members of the steering committee need to be pulled in, they should be.

Serge agreed; he thought it was a good proposal by Mike Orcutt, but it doesn't include TAMWG representatives.

Item #5; Develop a work-plan and resource needs to complete the initial 24 channel rehabilitation sites within next 3 years.

Stokely said he didn't think that number of sites could be done in 3 years. Schleusner discussed the 1/4/10/9 schedule for completing those projects.

Schleusner said a key issue is determining the baseline before these projects could be completed. There may be a need to wait until the second science framework is done to implement these projects, which would delay implementation for 2 fiscal years.

Orcutt asked if the baseline is for purposes of verifying the success of the program, or is it for regulatory requirements. Schleusner stated that it is primarily to gauge the success of the TRRP. Whatever is done needs to be in the language of the models used to determine success. Are multiple years of data at each site going to be needed, or just a system wide monitoring of baseline conditions?

This would be sent to SAB for their review and critique.

The second part is NEPA/CEQA compliance. Such as issues in trying to identify efficiencies, and putting together appropriate combinations of project sites. Mercury, realty issues, takings issues, and floodplain issues are all "layers of the onion" that are being peeled off. If there was an additional engineer, plus filling existing unfilled positions, they think they can meet the schedule in haste. \$2 million is needed to do design, engineering, permitting, construction, etc.

Orcutt said non-flow measures were ordered to be completed by Judge Wanger. Schleusner asked what his priority of those non-flow measures is. Orcutt wasn't sure.

Stokely went over the schedule and potential constraints for completing the 24 projects in 3 years; permitting, CEQA/NEPA, contract management, etc. are all possible constraints in getting these projects done. However, a lot will depend on what kind of opposition ensues to the projects. If there isn't a lot of opposition, the projects could proceed much quicker.

Lorenz said he thinks that the 24 projects can get done in 3 years; that the TRRP needs to do it to be accountable, and to be able to continue to receive funding.

Manji stated that the 24 sites are needed to show what the results of the work will be on the fish. He feels that it's important to have a realistic schedule that doesn't commit to more than can be delivered.

Schleusner noted that a scientific baseline is needed to be done to make an informed, defensible decision. Baseline info is being collected for Hocker Flat, but not the entire system.

Weseloh said that there are 2 different baselines; site specific vs. entire system. You cannot monitor changes w/o adequate baseline information for the entire system.

Hillemeier stated that there is a need to get flows first; otherwise building rehab sites will result in revegetation of sites, and failure without adequate flows.

Curtis Anderson stated there wasn't unanimity in the subcommittee on this issue. Some felt 3 years was important, others felt it wasn't.

There was a long discussion about baseline needs and time schedule to complete first 24 channel rehab projects. There was a general discussion of parallel tracks for baseline monitoring, the amount of design necessary for environmental review, actual work and time needed for channel rehabilitation, the relationship to the science framework, and the need to set time frames to do so.

Mike Ryan summarized that the TMC feels as strong about progress on rehabilitation sites as they do about the science framework completion.

Neil said they should get input from SAB on scientific framework.

Motion by Neil Manji to have the scientific framework reviewed by the SAB, though it was not seconded.

Schleusner said some SAB members could provide comments, others might not.

Hillemeier reiterated the need for the Little Yellow House and other non-flow projects are included in work plan.

Item #7; Continue initial coarse sediment augmentation in the Lewiston reach as prescribed in the Flow Evaluation Report and develop a large- scale sediment augmentation program.

Brandt said that spawning gravel can be integrated with channel rehab projects.

There was a discussion on the status of the final gravel management plan, with priority given to spawning gravel placement related to other work items.

Orcutt expressed concerns with decisions by Mr. Schleusner regarding priorities; such as deferring spawning gravel management and/or channel rehab sites above Canyon Creek.

Schleusner responded that the TMC has been fully informed about these decisions, but it's up to the TMC to decide what is necessary to respond to.

Doug stated that a coarse sediment gravel management plan should be done for 2006.

Orcutt stated that non-flow measures must be implemented.

Item #8; Complete a watershed rehabilitation strategic plan in cooperation with land owners and managers that targets remediation of the sediment sources in a time and cost efficient means.

Schleusner recognizes that the watershed plan is part of the ROD. Given the staffing situation, there is no way the TRRP can play the role in watersheds that it plays in mainstem activities. TCRCDD is working with others to help get this program going. They met again last Thursday, in which they developed a thoughtful way to approach sediment problems and sediment source analysis. Based on subwatershed analysis, they want the coarse sediment component to go up and the fine sediment component to go down.

It was noted that there is seed money in the draft budget for out years to correct problems in watersheds and implement the plan.

Orcutt wondered how it relates to other sub-basins such as the South Fork. Is the SF outside of this concept? Schleusner stated that it may fall within the "large circle," so to speak.

Schleusner also stated that Rush Cr. is the first order of business. He doesn't know where the South Fork would fall.

Weseloh said that watersheds would be third behind the science framework and staffing needs. It is a high priority, the TRRP could get pennies on the dollar for a small investment; if the plan and matching funds have high priority of getting funds from DFG on this.

Schleusner said that Sierra Pacific Industries was at the watershed meeting last week. If we can get them to be involved, it will be a plus. Brandt added that SPI said they don't want anybody on their property.

Item #9; Restaffing of the TMAG vacancies with scientists aligned with the qualifications described in the ROD and Implementation Plan is necessary. Eliminate the current contracting burden on TMAG modeling and assessment staff by adding or realigning current staff to function as COTRs
It was noted that this recommendation is already done.

There was a discussion of how to deal with the other 14 topic areas not related to the budget.

Mike Ryan said he thinks the other issue areas should be addressed. It should be done at the September meeting.

The September meeting will be on September 29th and 30th in Hoopa. One day will be focused on budgetary issues and the other day on the TMC subcommittee report.

Meeting Adjourned at 5:15 pm.

Trinity Management Council Minutes: June 30, 2004

Location: Weaverville Library

Chairman Mike Ryan called the meeting to order at 8:10 am.

TMC Members Present: Chairman Mike Ryan, *BOR*; Vice-Chair Mary Ellen Mueller (MEM), *USFWS*; Sharon Heywood, *USFS*; Irma Lagomarsino, *NOAA Fisheries*; Mike Orcutt, *Hoopa Valley Tribe*; Dave Hillemeier for Troy Fletcher, *Yurok Tribe*; Neil Manji, *CA DF&G*; Tom Stokely for Ralph Modine, *Trinity County*.

Others: Executive Director Doug Schleusner; George Kautsky, *HVT*; Tim Hayden, *Yurok Fisheries*; Rich Lorenz, Arnold Whitridge, *TAMWG*; Bob Sullivan, Priscilla Henson and Andreas Krause, *TRRP*; Randi Perris, *NRCS*; Russ Smith, *BOR*; Glenn Yoshioka, *The Public*; Curtis Anderson, *DWR*; Debbie Kanihan, *Trinity Co. Planning/Natural Resources*; Wade Sinnen, *DFG*

TAMWG Chair Report:

Whitridge noted that the TAMWG saw a previous version of the budget, which has subsequently been revised. There is lots of money going into agency budgets and persons, with some overlap, and there are concerns about accountability. Individual TAMWG members have varying positions. Not saying that any of the allocations are improper, but TAMWG and the public don't have enough information to know what those funds are going to. There are public relations problems. There are substantial amount for TMC participation that's not well understood.

There are very large amounts of money for indirect costs, and agency funding for SEIS participation. The public and stakeholders wonder if there's double dipping. Also there are millions of dollars in monitoring. It would be desirable through outreach to show how it's being spent. It's a TAMWG concern, and if in fact we are grappling with budget limitations, people would feel more comfortable if the TMC is looking at this sharply. It's a difficult position for the staff to survey the agency budgets. It needs TMC participation, collaboration, conversation, and analysis. Many people feel there's only so much staff can do to regulate agency budgets. Please sharpen pencils on administration. TAMWG favors having TMC become more engaged. If that means that you need to fund technical staff at a certain level, TAMWG and the people will support it. There is a need for more transparency in the budget process.

Up front there is funding for TMC participation. There is a variable between the various agencies. The TAMWG realizes that everybody's agency is set up differently, but they would like to know what we're getting for the money in that line item. A narrative or certification from the chairman or the office to be sure there isn't overlap between the different categories. A reasonableness finding and an attached narrative would seem reasonable and appropriate.

Related overlapping issues are a large amount of funding in studies, such as \$1 million in run size estimates and \$1/2 million in out-migrant monitoring that doesn't appear completely effective. Balanced against the highest priorities such as science and rehabilitation sites; we don't have our heads around the science. In regard to run size, there's a line item to review

what's actually needed, which is good. The TAMWG wonders if those activities are actually linked to our science needs, therefore this high priority item isn't as high as the other high priorities. If you have to prioritize, sharpen pencils, if something has to give, we want to promote the things we talked about yesterday and perhaps postpone some studies. Everyone should take for granted that we need some numbers of run sizes, but the stakeholders and public advice is not to skimp on high priority items yesterday; as compared to the lesser priority monitoring projects. Stakeholders would like to support high priority things discussed yesterday and sacrifice some other projects. They have other minor issues, but felt a responsibility to address those 2 major themes.

Executive Director's Report:

Doug Schleusner gave a PowerPoint on the Draft Budget for FY 2005. He thanked the B-Team and his staff for their work in developing the draft budget.

He noted a correction from yesterday- the coarse sediment mgmt. plan will not be completed until 2005.

There is an \$11 million target for the budget.

Attachment 8 is a summary of the effects of pulling \$2.5 million out of the June 4 draft budget.

Schleusner stressed that the office space next door is a time critical situation. If there will be a decision to hire additional staff, he believes that the space needs to be reserved or it won't be available later.

Mike Orcutt asked about the status of the "Little Yellow House" (LYH) and other floodplain structures?

Schleusner said there is \$175,000 in the budget for the Poker Bar Roads and \$60,000 for Floodplain Structures/LYH. He said that this is a critical priority this year.

Orcutt asked if they are trying to get it done for next year's potential high flows?

Schleusner said that it is as high a priority as the bridges.

There was a discussion about funding for the bridges, and the funding that is coming from the State through Trinity County for the bridges. Doug Schleusner noted that there are \$500,000 in BOR's Sacramento office in requisitions waiting for approval, but they can't be approved because they can't get \$1.8 in USFWS funds. They have used up all appropriated BOR funds and obligated all carryover. State/county funding for the bridges must be billed in arrears, which further exacerbates the problem.

George Kautsky asked what is the process for use of unencumbered funds? The Hoopa Valley Tribe (HVT) was surprised that funds were obligated without TMC review and approval. How

much discretion is there to obligate those funds? Will you go back to TMC to spend funds on projects not reviewed and approved by the TMC?

Doug Schleusner asked what operating flexibility, discretion, and level does the TMC want to be involved? Sometimes they have only a few hours or days to get involved. The TMC has to respond quickly. When the bridge contract wasn't awarded the previous fiscal year, it left \$1.5 million unobligated. Within 2 hours of bid opening, he got a call from the regional office asking what could be done with the funding. They went to multiple year agreements with options to extend and did that. They obligated \$1.1 million in a few days. The remaining \$400k carried over to this year. He felt he had to do what he had to do to move forward with projects that were in a condition to move ahead.

Kautsky said there is a worksheet that shows budget priorities. Why not go back to the priority table and go off of it?

Schleusner said for this year if there are additional funds, he would take care of the \$900,000 for the bridge contract awarded.

Mike Ryan said that the ability to make decisions is limited by a point in the fiscal year. By August and September, most options are gone. Mike Orcutt asked how much of the wildlife program is permitting vs. baseline information. Looking at this breakout, the fishery restoration is the main focus, in terms of that, the budget doesn't reflect that. In terms of evaluation, there are a substantial documentation of goals, Congressional goals and numeric numbers. He knows there are fish restoration numbers, but where are the avian and herpetological numeric goals?

Schleusner said invasive plant/animal studies and mercury studies are totally permit- oriented.

Arnold Whitridge said that Clair Stalnaker has said designing channel rehabilitation sites should be simple, why is design for Hocker Flat \$140,000?

Schleusner: For the Canyon Creek complex, designing 4 sites is \$150,000, so costs are going down. Hocker Flat is a pilot site and the costs of design are high; finding out about mercury, floodplain issues, regulatory issues, etc. Curtis Anderson reiterated that this project still requires a lot of work to get adequate plans for construction and env. review.

There was a discussion of the high costs of permitting and environmental review.

Schleusner said regardless of the size of a channel rehab. project, it would still have the same permitting requirements. They are treated the same as a subdivision. If we want to see a paradigm shift, it's got to come from TMC members. Doug's office deals with regulators who deal with the regulations off of the shelf.

General Discussions

There was a discussion of the watershed coordinator and its relationship to the Trinity Co. Grant Program.

\$500,000 was cut from earlier budgets for the Fisheries program.

Schleusner noted that as interesting as the budget meetings are, it's impossible to get consensus, so he has to make recommendations to the TMC based on the input received.

Stokely suggested that the TMC may want to put a cap on monitoring and let the fish folks figure out how best to spend it.

General discussion of stream gauging and the need to update the temperature model to an hourly (instead of weekly) model.

The fine-grained sediment plan will be done in 2006.

The budget being presented that day was \$11.6 million based on adding more staff and office space, as determined the day before. There are about \$2 million items deleted or deferred.

Hillemeier suggested waiting to approve the budget until September, in order to see what the status is of funding.

Stokely and Manji agreed.

Doug said he's unsure of CVPIA Restoration Fund money. He's concerned about shifting hard choices to September if other things don't play out right. His most immediate interest is moving ahead on certain actions such as personnel actions and the need to identify additional office space. There may also be some contract related actions.

Orcutt objected to a delay in approval of the budget. The reason to get it approved by June 30 is to process tribal self-governance agreements for a 90-day Congressional review. His program has issues as well and he needs to plan ahead. They are getting funding agreements in June and in past years it has been September.

There was a discussion about the status and availability of the requested \$2.7 million in CVPIA Restoration Fund (CVPIA RF) money.

Stokely said that all CVP water and power customers are opposed to CVPIA RF for Trinity River projects.

Mike Ryan clarified that a small number of water and power users support using CVPIA RF money for Trinity, but most are opposed. Some are opposed to the work itself, and don't think it's necessary (science arguments, etc.), but there are also customers who think if it's the work that needs to be done, it should be a non-reimbursable cost and shouldn't be paid out of the CVPIA RF. They would argue to increase the appropriations, and spend the CVPIA RF money somewhere else. He suggested that he and MEM could sit down with their Regional Director/CA-NV Operations Manager, respectively to explain the budget request.

Orcutt suggested that Mike Ryan argue that the CVPIA RF is paid for by Trinity water diversions (1/6 or 1/7 of the total CVPIA RF amount comes from Trinity water and power sales). He should also argue that the ROD requires both flows and non-flow measures. It's critical to point out that non-flow measures at the current funding level can't be fully implemented.

Mike Ryan said that BOR's position is that under the 1955 Trinity River Act, Trinity fishery restoration costs downstream of the dams are non-reimbursable.

Hillemeier said the program's needs are high the first several years. The Trinity's contribution to revenues for the CVPIA RF should justify the expenditures.

Mike Ryan said regarding the hatchery marking of fish comes from the "830" fund, which is \$6-7 million that goes to the TRRP. "840" money is Operation and Maintenance funds for facilities and the hatchery. The majority of funding for the hatchery comes out of the O&M funding. If the marking is related to mitigation requirements, it should come out of the 840 fund, not the 830 fund. He committed to looking into it.

MEM said there is federal legislation that mandates marking of all hatchery fish. It doesn't apply to California yet, but will likely soon.

Mike Ryan said he doesn't think that BOR should pay to collect information for harvest management.

Mike Orcutt said that there is no other river in CA with a federal tribal trust responsibility. He also made a case that operation of the dam had a major impact on the fishery. Various laws have recognized the need to restore the fishery and to protect the Tribal Trust assets. He agreed that the funding for harvest management would be better coming from another pot of money.

Mike Ryan asked to have DFG, NOAA fisheries and the Tribes look at a variety of funding sources for fish harvest management purposes for the next meeting.

Irma Lagomarsino said NOAA fisheries wants BOR to consult under the Endangered Species Act (ESA) for the Trinity River Hatchery, but it's never been addressed. If it ever happens, it may affect the budget.

Kautsky said fish monitoring and hatchery marking is to allow informed decisions about returning adult salmon. They have 25% constant fractional marking at the hatchery now for chinook. TRRP has fishery restoration goals that are higher than Pacific Fisheries Management Council (PFMC) goals. Therefore it is appropriate to spend TRRP funds to monitor meeting the higher goals of the TRRP. He said cutting the funding for tagging hatchery fish will severely impact TRRP studies and important science needs. Skipping a year of data, really skips up to 4 years of data.

Mike Ryan said his perception is that TRRP is bearing an unfair monetary burden for harvest mgmt. activities.

Neil Manji responded that BOR has an obligation to provide fishing on the Trinity River.

Mike Orcutt suggested deferring wildlife funding to pay for fish harvest management.

Schleusner said there are differences of opinion on the role of wildlife. There is authorizing legislation regarding fish and wildlife restoration. It is position of his office that wildlife and riparian issues are related to mitigation necessary to meet other requirements of fishery restoration activities for NEPA/CEQA, permits and mitigation measures.

Schleusner said it's a policy call on what approach to use on wildlife:

1. Go to the 1955 Act to look at restoration and enhancement
2. Minimize impacts as we move ahead on fishery restoration projects
3. Or just ignore wildlife altogether.

Glenn Yoshioka said he's in favor of fishery restoration, but the Congressional mandates are to also restore wildlife. Ignoring wildlife could result in future litigation by environmental groups.

Bob Sullivan said issue papers on wildlife have been and are being prepared.

Doug noted that the regulatory baseline is current conditions, not pre-CVP conditions. There was a general discussion of those concepts.

It was generally agreed to send a letter to regulatory agencies requesting their assistance regarding wildlife issues.

There was a discussion of the actual costs of the ESSA science framework contract and its relationship to the budget.

Orcutt asked if funding the new positions, would allow a reduction in the ESSA contract?

Schleusner: No.

In response to a question, Doug said he would make copies of the applications for the Technical Modeling and Assessment Group (TMAG) leader be made available to the TMC members.

Orcutt would like the opportunity to be a full participant in interviews, etc.

Doug said phone calls and direct contacts must be through him. Folks cannot contact applicants directly.

Andreas Krause said geomorphic mapping and fisheries habitat mapping are combined as a line item for cost savings. The substrate mapping is what type of substrate is present. They need underwater and above water topography for various models; for instance the hydraulic model requires a cross-section every 500 feet). Aerial surveys through LIDAR help avoid on the ground surveying. LIDAR flies at low elevation and picks up above and below water topography. New technology is being rapidly developed. They want to be comfortable with it, and it's ability to detect deep pools, under heavy vegetation or riffles with high velocities. DWR

will also do on the ground surveying to verify how well the LIDAR does in the 20 miles below Lewiston Dam. They will compare and verify. If it's a good product, they will fly lower 20 miles to the North Fork. If it doesn't meet needs, the hydraulic model for the inundation model is the highest priority. Precision for that is less than required for sediment budget calculations.

Bob Sullivan gave an overview of the geomorphic, fish habitat, vegetation and substrate surveys. It will allow integration of various activities and a better science basis for the TRRP. It won't, however, answer all questions.

There was a discussion of the Hardy Phase 2 methodologies, SALMOD and the difference between system-wide and site specific information.

The meeting adjourned for lunch at 12:40 resumed at 2:15 pm

Sharon Heywood wondered what the criteria are for the TMC agency participation costs?

Mary Ellen Mueller described what USFWS does with its \$150,000.

Hillemeier explained what the Yurok Tribes does with its funding of \$150,000. It covers Tim Hayden, senior biologist; technical meetings; a portion of Hillemeier's salary; a book keeper/admin assistant; travel and computers.

Kautsky said the may be misleading. If it were only for TMC participation, it would be less than \$150,000. Smaller organizations need the funding more. He said there is much more than TMC participation and it came up to over \$300,000 that he feels is really needed by the HVT. It includes subcommittees, workshops, etc. The TMC subcommittee is an example. Vehicles, travel use, secretary, book keeper (60% of their time spent on Trinity).

MEM suggested renaming TMC member participation Trinity Program Support- non-project related.

Lagomarsino: There should be no secrets in regard to the budget. Would like the same format for accounting of this grant.

Kautsky agreed that everybody should see each other's proposed budget.

MEM said the proposal she saw was just broad categories and not sufficient detail to track specific activities.

Lagomarsino: My time is involved, Rick Rogers will be involved. Regulatory and technical support for permitting/ESA consultation, etc. I'm trying to avoid billing staff time. All of our funding comes from salmon recovery funds. Will avoid if at all possible.

Schleusner: This is one area I have had trepidation dealing with. Past funding levels and expectations make it difficult for my office to deal with it; the TMC should deal with this issue.

The TMC needs more involvement, says the TMC Subcommittee report. In his draft budget, he left funding at current levels and put the requested (larger) amounts in the out year columns.

Stokely explained what Trinity Co. does with its \$50,000; and requested \$100,000, suggesting a cap of \$100,000 for all TMC members. He said he takes TMC minutes, manages the env-trinity list server, attends subcommittee meetings, B-Team meetings, workshops, TAMWG meetings, responds to request for public information, seeks outside funding such as State funding and he represents the TRRP at various venues such as the Water Education Foundation's Executive Briefings and water tours.

Curtis Anderson said DWR attends meetings, TAMWG meeting, Technical Team meetings, travel, and a little bit of office support. He agreed with Stokely that there should be a maximum number because if somebody is getting more, then others will also want to increase their dollar amounts. It would be beneficial to have multi-year agreements.

Orcutt noted that he's been in Washington, DC for 2 weeks and constantly on the road. There is a cost of moving in a direction of obtaining permanent fishery flows.

Manji said DFG provides in-kind services and some of the other costs of TMC participation were put into specific project costs, so there is no DFG specific line item in this budget category.

There was a discussion on how to deal with this budget line item, but no agreement was reached on how to standardize costs and criteria for TMC participation.

Sharon Heywood said she could really use \$20,000 to help offset Bill Brock's time. To date, the USFS has not had any funding under this category.

Doug suggested that the TMC members could modify the description in the budget and develop the template and submit costs accordingly.

MEM volunteered to start it and send it around.

MEM expressed concern about expanding the TAMWG budget for TAMWG members to attend other meetings and conferences.

Hillemeier expressed concerns about funding spawner surveys and age-composition studies that start on October 1, 2004.

Doug expressed concerns about not having an approved budget until the end of September, but also expressed concerns about approving pieces of the budget.

Neil: Need to have about \$550k in cuts to pay for 2 new positions.

Hillemeier suggested developing a list of things that go into effect 10/1. There was a long discussion on how to commit to other projects now and what the impacts will be later when

funding availability is known, and perhaps it's less than expected, which makes further cuts necessary in other projects.

Glenn Yoshioka noted adult chinook radio telemetry studies are being proposed to be cut and they might be needed to monitor potential fall flows.

Doug agreed to send an e-mail with recommendations on short-term approval of projects that start on October 1.

Mike Ryan said he wants an indication from the TMC now on what needs funding, otherwise he will be in a situation to make a decision on tribal self-governance funding before a budget can be approved by the TMC.

Orcutt said he is not ready to approve the budget. He said when the agency (BOR) and a Tribe agree on what needs to be done, it has to sit in front of Congress for 90 days (formally transmits to Congress for 90 days). The intent is that on October 1, when budgets approved by Congress that will allow funding to be provided. The TMC doesn't have the authority to override negotiations between a Tribe and the federal agencies.

Ryan said he doesn't think it's a requirement for the 90-day review. Orcutt said it is.

Ryan said the reality is that whatever the TMC adopts, no agency delegates its authority to this body- it's in the ROD. BOR can do something else with the budget besides what the TMC recommends, and in the absence of a budget recommendation from the TMC, there will likely be unilateral budget commitments by Reclamation prior to the next TMC meeting where the budget is adopted.

However, from Mike Ryan's point of view, the tribal govt. to govt. negotiations should occur after receiving advice from the TMC member agencies.

Mike Ryan preferred to identify projects he feels comfortable with and get the process moving along and then to amend it later in the year when things are clearer on funding priorities and availability.

Stokely suggested reducing funding for the Canyon Cr. rehabilitation sites and smolt outmigration funding because he doesn't believe the Canyon Cr. sites will be built in 2005 because permits will not be obtained in time, and there has never been an estimate of total abundance of smolt outmigrants from the smolt outmigration (rotary) trapping.

Dave Hillemeier and Tim Hayden said they had recently calibrated the rotary traps to estimate total smolt abundance.

Mike Ryan suggested identification of a list of projects that are necessary to be implemented October 1. It would help Mike Ryan in his meetings with the Tribes on funding agreements, as well as other issues.

There was direction from Mike Ryan to identify those projects and Doug would collate the list and circulate it.

Doug would prefer for the various tribes and agencies to send the information to Deanna Jackson.

Mike Ryan will look at the proposed projects and see how they relate to the list that we've been reviewing today. If costs are higher than what Doug submitted, there will need to be justification for it.

Mike Ryan said that he would look to priorities identified during this meeting such as bridges, other structural modifications in the floodplain, and the science framework.

A conference call was scheduled for July 27th at 2 pm to decide high priority projects that require funding on October 1.

The meeting was adjourned at 4:43 pm.