

Draft Agenda
TRINITY MANAGEMENT COUNCIL
Days Inn, Arcata, CA
Wednesday and Thursday, March 19-20, 2008

TMC Members Present: Bill Brock, USFS
Larry Hansen, CDF&G
Brian Person, USBR
Mike Long, F&WS
Irma Lagomarsino, NOAA
Mike Orcutt, HVT
Tim Hayden, Yurok Tribe
Roger Jaegel, Trinity County

Other Attendees: Arnold Whitridge, Doug Schleusner, Mike Berry, Tom Stokely, Teresa Connor, Rod Wittler, Byron Leydecker, Tom Weseloh, Gil Saliba, Don Reck, Joe Polos, Robert Franklin, Joshua Allen, Abbey Stockwell

Wednesday, March 19

Motions:

1. **Motion** by Hansen, second by Lagomarsino for the TMC to write a letter to BOR regarding management authority and the mitigation goals at Trinity River Hatchery. The issue we wish to address is the process to evaluate and/or adjust those goals, and to express our concerns regarding the effect of hatchery returns on the natural production of fish. **Motion Passes 8-0.**
2. **Motion** made by Brian Person, second by Tom Stokely, that by the June meeting whatever comments received on the June and Sept minutes should be incorporated and vote on them, if there are no comments, the minutes will be automatically approved. **Motion approved unanimously, Irma abstains.**

Report from TAMWG Chair, Arnold Whitridge

Whitridge went through the recommendations made by the TAMWG to the TMC.

There was a discussion about the issue of carrying over ROD flows from one water year to the next, as well as adequate reservoir carryover storage for temperature control. Mike Orcutt asked for more detail on the issue(s). Orcutt mentioned that the purchase of water for fall flows, or use of Humboldt County's 50,000 AF. There will be more discussion of this at the agenda item on responding to the TAMWG.

Roger Jaegel asked, in regard to steelhead, does anybody know how many wild fish are produced in the tributaries? He said low water conditions last year resulted in losses of fish in the tributaries.

Tim Hayden asked what the TAMWG's response to the previous letter sent to the TAMWG by the TMC? Arnold- there was a letter in June and then September. The TAMWG felt that Mike Long did the best he

could to respond, but that the TMC really needs to discuss these issues, so the TAMWG is dissatisfied that the issues aren't being dealt with.

Report from TMC Chair, Mike Long

Mike Long thanked everybody for coming. He attended the TAMWG meeting and it was interesting. He encourages as many TMC members as possible to attend those meetings. He's excited about having Dr. Chris Moore from CDR Associates here this afternoon. Most have talked to him for the situation assessment.

Brian Person had no report.

Report from Executive Director, Doug Schleusner

Doug talked about the agenda determination. He went through his written report.

Orcutt asked if TMC partners were invited to participate in the hiring of the RIG branch chief. Schleusner said he used people like Curtis Anderson who have engineering experience. Orcutt said the Tribe would have liked to participate in that selection process.

Orcutt also said that the HVT has requested to be a NEPA co-lead on future mainstem projects. He has a letter that people can see requesting it.

Doug said that it had been pursued to the Assistant Secretary for Indian Affairs. He responded back to Robert Franklin as to the Solicitor's Office's response.

Brian Person said they are consulting with the Solicitor's Office for guidance on the appropriate response. When they have something firm, it will be provided to them.

Irma asked about the Dark Gulch feasibility study. Doug said there has been discussion about what it would entail for \$100k, but nothing is firm now. An implementation decision is still years out, but the feasibility study would happen sooner.

Response to TAMWG Recommendations, Mike Long and Arnold Whitridge

Arnold said there have been TAMWG recommendations made in the past that haven't been dealt with. Most fall under TMC function/roles and responsibilities. He's not going to worry about those with CDR coming in to make a recommendation.

On the issue of carryover storage, there is concern about meeting temperature requirements. The TAMWG suggests creating a tool through carryover of ROD water. They don't have a position on using ROD water for fall flows. In the past, TAMWG has been skeptical about it. They are suggesting creation of a tool that's useful.

Larry Hansen asked about curtailing spring flows if the juvenile outmigration has ended? Whitridge said it makes sense to run the spring bench of 2000 cfs until a majority of the smolts have moved out. It could be possible, but there's no firm position, but nobody would support it if the water is lost by nonuse.

Hansen- 2 mechanisms- water set aside for fall bench, if not used, can be carried over to the next water year? Spring bench and fall flows, if not necessary.

Weseloh added that the cold water pool available for fall temperature problems could be a reason to store some ROD water toward the next year. Not any one of these things needs to be done tomorrow, but you can't right now. If you want to use Adaptive Mgmt, there are examples of how you could use the ROD to provide more benefits from the flows. We need the flexibility when it's necessary. It could come up. We had discussions on how to use volumes every year. This is the mechanism to be able to allow that flexibility.

Tim Hayden agreed with Weseloh. Our flow management is constrained. Another example would be carryover of water for habitat benefits. Is there a Solicitor's Opinion on carryover storage?

Whitridge- we have reports of conversations with the Solicitor's during formulation of the TRFE and ROD. Joe Polos- the direction from Interior was don't deal with carryover.

Long- so CVOCO will come to the next TAMWG meeting to talk about this?

Whitridge- the CVOCO presentation won't be on the politics of carrying over ROD water. It will be asking questions about the rules for operating the CVP.

2 issues- ROD water carryover and Reservoir cold water carryover storage.

Person- give CVOCO questions to ask ahead of time to let them digest it for implications. They can share information and give consequences of various possibilities. Carryover in general- operational targets, but it really is the broad implications of framing the operational modification you are looking for. If that better focuses the request, we can look at the authority and institutional implications of any proposal.

Whitridge- we're not in a hurry- nothing will change for this year, but it would be nice to have flexibility for next year. He thinks that the TMC would make a request upstairs at Interior at some point.

Doug forward the summary paper to Paul Fujitani and Ron Milligan of CVP ops. The more specific the questions are, the easier it will be to respond.

Irma said she's interested in this topic to provide more flexibility operationally.

Rod Wittler said that he, Stokely and Dave Gaeuman will be going to Sacramento to meet with CVOCO to discuss modeling and assumptions for operations. Others are welcome to come if they are interested.

Weseloh said it would be great if TMC members can attend the presentation at TAMWG on June 9 and 10.

Whitridge- Hatchery Management- It appears that the hatchery mgmt is in need of adjustment because of changes in the river. The TAMWG wants the TMC to ask the Resources Agency to look into it in order to meet TRRP natural vs hatchery goals.

Byron- the hatchery has been producing 800k smolts, as flows have increased, escapement has improved greatly for hatchery, but not as much for wild fish. This year, we have 40k hatchery fish and 10k wild fish. The objective of the program is 40k wild fish and 10k hatchery fish.

Larry Hansen said it's obvious this issue has come up repeatedly. The Yurok have brought up predation on fry and did a pilot study on that, we now have a public forum mounting through the Fish and Game Commission process. The numbers Byron gave were approximately last year's 42,000 fish, with 9,000 naturals. It's not just a state issue; it's also a mitigation issue. The numbers being talked at the

Commission- Ed Duggan did an e-mail letter to reduce yearlings to 500k from 800k. It's a 3 year trend now, but he wants to go on the record as to the management options to reduce the number of hatchery fish such as increased bag limit. There are also hatchery practices. It's an issue we are very aware of and are monitoring information. It's not falling on deaf ears.

Larry- it was a supreme court decision on mitigation for the hatchery. People who operate and fund the facility need to work it out, but then there is an upwelling of public opinion. A lot of hatchery fish are coming back, especially the last 3 years. He has introduced mgmt measures to harvest more hatchery fish. 2 fish/day- 4 in possession. The perception is that you are supposed to release every steelhead.

They only harvested 902 hatchery steelhead out of 32,000 fish.

Irma and Mike Orcutt clarified that the goals for TRH steelhead production is not part of a supreme court decision, although there is a State Supreme Court decision on Iron Gate Hatchery production.

Irma- there is a growing consensus that there are too many hatchery fish. What is the flexibility to change these historical practices?

Rod Wittler said more studies could keep the 2 experiments separate, but there is a concern that if you tinker with the hatchery, it might not be able to tell the results of the experiment. Nina and Wade Sinnen's analysis shows that coho and steelhead are benefitting from the temperature regime we have, the fall chinook aren't benefitting nearly as much.

The science program is in support of this, but we need to do our assessments properly so we can discern between the habitat experiment and hatchery production experiment.

Mike Long- we need to prove that the current flow/temp regime

Mike Berry- 20 years ago, the angler groups were sending letters saying that if they didn't let them raise fish privately, the runs would collapse. 10 years later, runs were up, now they are down. 2-3 years isn't a trend. 5-10 years ago people were probably saying there weren't enough fish. He recommends watching it longer for a trend.

Weseloh disagreed- the trend on the Trinity is related to flows. There have been favorable ocean conditions for steelhead. We are way exceeding the hatchery goal, with severe impacts to natural production. Some studies show ¼ million naturals eaten in first few miles. There are numerous documented problems. The issue is the appropriate hatchery release. Nobody is saying swing the pendulum too far, but try to slowly move it back to avoid detrimental impacts. There is also a mountain of evidence on the negative impacts of hatchery fish. We don't think we need to redo those studies to do it, we need to heed them. He also asked what the actual goals were in the alleged Iron Gate Supreme Court case- is it adults of juveniles?

Hansen- it's an egg take goal from the adult population.

The flow regimes really favor the hatchery fish.

Roger Jaegel wonders about what is being done for wild fish? Most wild fish are spawning in smaller tributaries.

Hansen- there are limited surveys of tributaries.

Jaegel- part of the problem is there was a lot of mortality in the tributaries. Thousands of small wild fish didn't make through the drought conditions.

Hansen suggested for the June meeting, a review of steelhead populations trends.

Joe Polos said that the steelhead are only in the river for a few months and we've completely changed the river in spring. The hatchery goals were developed when the Trinity was running at 150 cfs, so there are legitimate reasons to look at coho and steelhead- they don't go through the lower Klamath or over summer like other stocks. We've changed the spring temperature regime. 3 years doesn't make a trend.

Orcutt said regarding the hatchery production goals, the existing goals are the best available science. It would be a good idea to look at the numbers.

Orcutt said in regard to the Solicitor's Opinion, it relates to the IAP and natural production and fish harvest management. There is a federal nexus to this state run hatchery and how it relates to harvest management. There are ways to address and fix the problem, but the first thing is to see if there is a problem.

Hansen- there was an increase in flows starting in the mid 1980's. We need to look at a number of years.

Byron- the TMC connection is that the Resources Agency was supposed to be represented on the TMC.

Irma isn't convinced that the decision lies with the State of California alone? What are the authorities for this?

Long- What is the action that the TMC should take right now? Who actually would make such a decision?

Person- It's clear that BOR must mitigate for impacts of the dams, but he's not sure what the line of authority is to make such a determination.

Tim Hayden- both tribes are co-managers at the hatchery. He proposes that it's a co management role, it's not just the state or Reclamation.

Weseloh- the TAMWG didn't really think this issue would be resolved within this program- how to resolve it, who resolves it?

Motion by Hansen, second by Lagomarsino develop a letter to Resources and BOR regarding authority and mitigation goals, how established, and relate concerns for natural stocks.

Motion by Hansen, second by Lagomarsino for the TMC to write a letter to BOR regarding management authority and the mitigation goals at Trinity River Hatchery. The issue we wish to address is the process to evaluate and/or adjust those goals, and to express our concerns regarding the effect of hatchery returns on the natural production of fish.

Weseloh – not asking to change the goals, asking that they be met- we are exceeding them by 3-4 fold and impacting natural production.

Orcutt expressed concerns about getting conflicting viewpoints between the State and feds.

Generally, it was decided to form a sub group of the TMC, write a letter to BOR and State, asking where does authority rest to make a decision, then prepare a white paper on the issue.

what is the process to alter the hatchery production goals? What is the management authority and process to change goals.

Motion Passes 8-0. Irma volunteered to write the letter. Brian Person volunteered to receive it.

DFG will return with a presentation on returning steelhead numbers at the June TMC meeting.

The sub-group will take the response from BOR and report back with options on how to proceed. It was determined that is is premature to form a sub-group.

The letter will be sent to the BOR Regional Director, but with a cc to Brian Person.

Larry Hansen will try to have a white paper by mid-May for TMC review.

Watersheds and TAMWG- Whitridge said he is happy with the discussions so far. The ROD says \$2 million/year for watersheds, but without dropping it, it would be handy to make people upstairs aware of what's going on. Everybody should think about how it'll work in the hierarchy to get more watershed funding.

Person- when they report back on the 2008 extra funding, there will be an expression of support for watersheds- not \$2 million, but substantial support.

Bill Brock said he has had a USFS watershed presentation ready for a year, perhaps the June TMC meeting would be a good time to give that?

The issue of watersheds will be discussed further at the June TMC meeting.

2008 Fisheries Management Issues/Concerns, Mike Orcutt

Mike Long said he would appoint Joe Polos to represent him because he and Brian Person have to leave. Don Reck took Brian Person's place.

Orcutt said that it's important to talk about fish management.

George Kautsky gave a background presentation on harvest management issues. He then gave a presentation on current issues in harvest management.

The 2004 brood was "exceptional" and most of the fish last year (2007) were age 3 fish from the 2004 brood. However, there was a record low of age 2 fish, now there is a record low prediction for age 3 fish this year. On the bright side, some of the age 3 fish are in the ocean, so they will return as age 4 fish this year.

Is there a harvestable surplus in all of this mix?

2004, 2005 and 2006, natural escapement was below the 35,000 floor. This triggered an overfishing report required by law to find the causative factors for that decline. Among them is the criteria for ending a concern. The STT recommended that the PFMC institute a policy to have 3 consecutive years exceeding the floor? The MSY is 40,700. However, the PFMC has taken the 40,700 in 2 years criteria.

They will close the overfishing concern for the Klamath, but others don't agree because it's all based on one very strong brood stock in 2004.

The reports are available from George. Alternatives go from least restrictive to most conservative. The PFMC has been targeting a natural spawner escapement of 40,700 fish. George described some of the fishing alternatives being considered.

The information going into this discussion comes from contributions from the TRRP through its various monitoring activities. Fish harvest management and habitat restoration are both good reasons to continue collecting this information.

Larry Hansen commented that Tuesday the PFMC adopted the factors affecting fall run. However, they changed the recommendations. The overfishing concern was to be alleviated by an or with 40,700 fish for 2 years, which avoids overfishing. The targeted escapement was set at 40,700 fish, not 35,000. These numbers will change 3-4 times before they get to the final decision on April 11. NMFS position is that ocean impacts on Sac River stocks means no ocean fisheries. This will allow disproportionate fishing on the K-T recreational harvest, especially the lower Klamath. It's going to be very complex with large in-river allocations for recreational and tribal.

Orcutt said that the 35,000 escapement goal for the PFMC is disconnected from the 63,000 goal of the TRRP. Also, Amendment 15 of the PFMC allows "de minimus" fisheries that would allow fishing into the floor. The KPMC had a strong recommendation against it, but it was bypassed.

Joe Polos said it's important to note our spawning escapement goals aren't recognized by the PFMC at all. They aren't managing for our 63,000 fall chinook. The 35,000 floor is close to the MSY of 40,700 fish, but it was developed under poor in river conditions. It shouldn't be what we are looking for because there are habitat improvements due to the Trinity ROD.

The Trinity goals are higher than the MSY.

Hansen- Amendment 15 would allow harvest of additional K-T fish when there is high abundance of Central Valley stocks. The situation is now reversed.

Irma said that ocean conditions are improving for the 2 year old fish.

Kautsky said it's assumed that Klamath and central valley stocks share common survival in the ocean, but there was some indication that around Cape Mendocino there is a shift in productivity. It's a strong brood for 2004 K-T, but a collapse for CV stocks.

Initial Report by CDR & Assoc., Chris Moore

Mike Long introduced Dr. Chris Moore.

There are 2 pieces to their contract. There is an oral presentation and a written report.

There 3 situational assessments. The first is public disagreements, the second is programmatic (how well to achieve goals), and this is organizational assessment. What is the organization, how is it functioning, what are roles and responsibilities, what's working, what isn't. They've now interviewed 35 people, plus 4 more (the SAB).

He will talk about the methodology for themes and brilliant insights, strength, general directions of things to look at, then look at specific entities here on the chart (TRRP organizational chart).

What is going on at the interfaces between the different groups as well as internally.

When they are interviewing, they are looking for themes (things that multiple people have identified as topics or issues (positive or negative)).

Brilliant insights are apparent things that some see as what's going on.

Themes don't require all people interviewed to agree, but it must be a lot.

Sources of Organizational health and tensions. He showed a chart that has linkages between relationships, values, structure, procedures and behaviors. He explained what each one represents and how it is incorporated into the assessment.

Good Points

He said USFWS and BOR are committed to working together.

Financial support for the program- there is a significant amount of political and financial support, especially compared to other programs.

They found a general interest among most in trying to improve the program and relationships.

Challenges

What does it mean to be in a partnership? DOI, TMC, Executive Director, TMAG, RIG, between TMAG and RIG and all other partner scientists. It's pretty clear that there isn't an agreement on what it takes to make a partnership. Interior needs to work this out.

There is a lot of organizational complexity and a lot of gears that don't always mesh smoothly. It's not clear how all of the parts work together. They will look at stream lining that.

Roles, responsibilities and authority. This is one of the major problem areas. The TMC's role related to DOI is unclear. The TMC/ED is supposed to be co-decision makers. A normal ED is responsible to the board (TMC), but he is also responsible to DOI/BOR.

The working relationships are strained. Sometimes caused by behaviors, but often caused by the structure. If it's not clear, it creates problems.

Vision and goals- they differ. Restoration of the river, completion of projects, restoration of fish, division of labor, restoration of harvest.

Procedural difficulties- there are difficulties in making decisions. The TMC has more than normal problems reaching conclusions, or there is indecision, the staff makes the decision and moves forward. These difficulties need to be addressed. One of the problems is how TMC meetings occur. Loose agendas, people talking for a long time without breaks. Problems determining who is talking; difficulties in making decisions; mix of scientists and policy.

When there is not a disagreement, how it is portrayed to the TMC. What is the deadlock breaking mechanism. Is the resolution roundtable really being used?

Budgeting and allocation of funds. There is perceived, if not actual conflict of interest in the way the budget process is done.

Science- huge disagreements between them. What kind of science, scopes, division of labor, etc. how to break deadlocks, etc.

The RFP development process and implementation. Independent govt assessments for the contracting process are under dispute.

Organizing the problems and making recommendations to solve them is what he's about. The recommendations are what they have heard from people and then basing it on their 30 years of experience.

DOI/FWS/BOR- They rec'd a letter from higher ups directing them to work things out. If decisions are not made, DOI will.

Batana- best alternative to a negotiated ?

The 2 agencies have different mandates, expertise, roles, responsibilities, divisions of labor etc. There are structure, personnel and funding issues that have created tensions. There are significant tensions between the agency scientists.

Structure/partnership- it's not clear to CDR that there has been a common agreement about what the partnership is between the 2 agencies.

A bunch of folks interviewed (not in BOR or FWS) said that there was a higher level of management within the old Trinity River Task Force.

A structural issue is how the 2 agencies are funded. It creates tension between the 2 organizations.

There is also tension between FWS and its expertise, vs. the AEAM staff. Is FWS an equal or junior partner in this? Is there an acceptable division of labor. He has heard that the 2 agencies work on specific issues, but don't look as much as structural organizational issues.

Values- there are some differences between the 2 agencies. Do some issues need to be elevated above this level (Mike and Brian), and then there needs to be a conversation between staff scientists and other program partner scientists.

How can the budgeting issues be dealt with w/o a perceived or actual conflict of interest?

He thinks there need to be more face to face meetings to deal with this.

TMC- as far as the relationships go, there are some good and strained interpersonal and professional relationships. It has a lot to do with the vision of the program. There are not agreements about the roles. There is a lack of trust and respect between some members, but it causes problems for all.

The TAMWG feels it's not listened to or dismissed at the TMC. It's more positively accepted when it goes to the program staff.

Structure- there are significant structural issues. Lack of clarity and facts and contradictions regarding mandate or authority of TMC. Is it advisory or an authority? It's not clear that the TMC has authority over the AEAM staff or ED. The ROD grants authority to TMC and ED, but doesn't resolve differences.

Perceived conflicts between federal and other agencies.

There is a lack of continuity of preparation and participation. Some alternates attend a lot. It's not so structural, but some don't read all information. It gets simplified to the point that there isn't much detail.

Budget- not clear, complex, potential conflicts of interest. TMC members making decisions on financial matters where they might receive the benefits later on. He knows of no board that does that.

The TMC meetings are conducted with supermajority. That requires building consensus. One of the questions is do we need to look at changing the structure of decision making?

Next steps:

strongly recommends that TMC members participate in 2- 2 day retreats. The topics would be what needs to be done to improve the working relationships between members, as well as with the other entities. In combination with the Interior agencies and the ED to clarify the roles and responsibilities. From CDR's perspective, they are not currently.

What does it mean to participate in an effective partnership? The TMC needs a way to break deadlocks. Having a backup where FWS and BOR resolve issues of dispute isn't all bad.

He suggests that we have a professional facilitator. It's hard to do unilaterally.

TAMWG of all the parts that they looked at is the least problematic. Good working relationships, the chair is highly respected and functions well as chair. Diverse representation, but they come together to make recommendations. Some interviewees wondered what value the TAMWG added in terms of new values. Others said that TAMWG wasn't fully considered by the AEAM or TMC. Having both TAMWG and TMC seems like a duplication. Most recommended that TAMWG continue to provide advice.

Executive Director- it's hard to talk about because it's a person, but we aren't talking about personnel issues.

Relationships- with parts of the program or with individuals. Some have tensions, some have good relationships. Doug reports to the TMC And to Brian Person. It's very conflicted. Inherently, there are potential relationship and structural problems.

There is tension between staff scientists and partner scientists/staff. It is a relationship and structural problem. One of the structural issues is how broadly or narrowly the ROD is interpreted. Some would like it more broad, but the structure is supposed to be less so.

Staff models

1. particular staff reports through an agency.
2. you also have a particular division of labor
3. You have an interagency assignments to work together, and sever old ties.

Every one of those models entails problems.

If you want to make change, it should be small at first.

The dilemma that Doug or any other ED faces. When the rubber hits the road and somebody is responsible for what happens, it's not the TMC's fault. Responsibility follows on the shoulders of the TMC

TMAG- there is significant relationship and tension issues. TMAG, FWS and partners. Personal and professional relationships are strained.

It is broken so badly that we can't fix it? He doesn't know, but we'll have to do hard work to succeed. Some difficult things need to be done. FWS and BOR staffs need to do it.

How to get sign on for projects?

The science isn't clear cut, which creates disagreement. How to resolve that disagreement?

People felt that the working groups were NOT effective. Not open communication and discussion, agendas not good, if decision made, report back to the TMC with staff recommendation and not a broad discussion. When you go back to the TMC, some members are not scientists and can't make those decisions.

One recommendation for the next step is after FWS and BOR have had internal discussions, there will need to be a discussion between scientists of all program partners and staff of FWS. Structural questions like who, how, what, etc.

The RIG, like the TAMWG, seemed less problematic. It is because none of the partners have a financial stake in the RIG. The major area is that they can't get a straight answer from the scientists. A challenge will be new people are coming in.

SAB and Independent Review Panels- They haven't interviewed them, What they most heard is that there is a dilemma between some SAB members and others helped set up the structure vs the need for the program to get ongoing advice and consultation. There needs to be a firewall between the SAB and the program. There is a perception that the firewall between the SAB and program staff and other program partners isn't as clear or as firm as could be. Lobbying was the word used. There needs to be a clear definition between a scientist who gives advice, vs. a totally independent scientist. We want their advice to be credible. If ex parte communications, their ability is compromised.

Chris asked some questions:

What is your assessment of the diagnosis of issues, dilemmas and problems in the various entities of the TRRP?

Does this sound like you?

Where do agree/disagree?

What to do?

Jennifer and Chris believe the group can become more effective. It's the commitment and effort to do it.

Brian Person asked if he got a sense of the drivers for heading toward conflict. Is there anything subtle or pronounced that led to the deterioration of relationships.

Chris Moore- there are several things. Some things that are identified as relationship problems are really structural. There is also ongoing tension about what a partnership is. He also thinks that the financial interest causes a significant amount of conflict because the beneficiaries are some of the members. There should be a disengagement from financial issues.

There are valid disagreements over science. When there is scientific and professional disagreement and then there are procedures that violate peoples' sense of fairness, then it becomes a relationship problem.

Mike Orcutt clarified the statement about conflicts of interest. Is that inclusive of the federal agencies too? 2 primary agencies have stability in terms of funding vs. other program participants who don't have that stability of funding. In order to stabilize that funding, it's created a firestorm.

Moore- one of the dilemmas has been the tension between BOR and FWS funding mechanisms. Some entities have to have stability for funding, but then other things need to go out to bid. The fact that the TMC is making decisions on allocations of funds back to itself seems to be a conflict of interest.

Mike Long- tensions vs. structural and strained relationships. Can you give us a sense of which is more important to deal with?

Moore- you need to deal with both. The sequence of dealing with it is important. What is getting in the way of the relationship? Acknowledgement, clarification of intention, and acceptance of a problem to deal with. What do we do to deal with it? Sometimes it's structural, procedural, changes in behaviors.

Chris said he'd mediate divorces in the past. They could get into a room to negotiate kids and finances- they could change structure, but there were still relationship issues.

For instance, what happens if you separate science from implementation? Trust and respect would be irrelevant because they wouldn't have to work together, but it's not appropriate.

Need to work on relationship AND structure. One alone won't do it.

Nick Hetrick- did you review the 2004 subcommittee report? Chris- yes.

Nick- how does that affect your assessment?

Chris- the report was on organizational and achievement. Ours is only on organizational issues. We will look at common themes. A lot of the themes that are there haven't changed much. It's not for lack of good will, it's for lack of focus on them. There need to be decisions on some of these things.

Irma thanked him. She hasn't felt so optimistic in a long time. How do we prioritize what we work on?

Chris Moore- they will suggest unilateral changes that will make some differences, such as TMC meeting functions. It's going to require some time together. It's going to require having all the principals there. The success won't be great without that.

Doug- it's fundamental that Mike and Brian (FWS and BOR) that needs to be done first, is that correct? Chris- yes.

Chris- the thing that struck him is that the 2 of them haven't been there since the getgo. Part of it is clarification of relationships, that then relates to TMC relationships.

Orcutt- one of the missing elements is that the laws that led up to creation of the ROD were unique in that they required concurrence between the Secretary and the Hoopa Valley Tribe. The HVT still has concerns.

Moore- Tribal Trust issues require G2G, and he'd put another circle above the organizational chart for G2G consultations. The TMC doesn't eliminate the G2G consultation or relationship. It doesn't require agreement, though, just consultation.

There should be regular, routine meetings to have consultation.

Byron- there are 2 things in the CVPIA, the HVT was to be consulted and concurred in the ROD. Those are the only 2 roles for the HVT.

Orcutt- it's a substantive legal opinion on these matters.

Jaegel- what kind of organizational structure do you recommend to avoid these conflicts? Specifically the budget issues and financial conflicts of interest.

Chris- there is no particular model. What is the role of general direction and priorities, then you turn it over to an independent committee that has no financial interest. You could ask about methodologies, costs, level of funding, etc. Then a budget would come back to the TMC for approval. That would eliminate some of the conflict of interest.

Mike Long- he doesn't see spending FWS money as a conflict of interest. The issue is not necessarily a conflict of interest. One is where you get the money and do the work yourself. Are there better reasons to have others do the work?

Mike Berry- if the TMC budget process were clarified more, it would make some more comfortable.

Byron- the implementation plan had a person in Interior directly responsible for the program, but now it's trickled down the bureaucracy to Brian Person and Mike Long.

Orcutt asked how in depth will the discussion go? One of his hopes is that there can be a facilitated discussion to resolve this? Is that a recommendation?

Moore- yes- it needs to be facilitated. One piece is getting through these issues, and then just facilitation on a regular basis, for at least a year.

Doug- he's heard from some that all meetings should be facilitated?

Chris Moore- he's not sure by whom. He wouldn't go that far. Whoever is facilitating has to be disinterested in the outcome. You are an advocate and process manager. For instance, working group meetings could have the scientists play a role as facilitator, but they have to be willing to let the group make a decision without intervention. There should probably be a workshop on meeting facilitation. Your decision making process is currently Robert's Rules of Order. It works but is cumbersome. You might want to blend of attempting to reach consensus with a deadlock breaking mechanism to avoid endless/aimless discussion.

Hillemeier- all employees of the TRRP are BOR employees, but BOR's mission isn't necessarily to restore rivers. Will you look at that?

Chris- No, we hadn't intended to look at that. We can look at other models and we can discuss that. Every staffing model will have its own structural problems.

Rod- didn't you say that there is a real commitment to the program?

Chris- yes, but the goals differ by agency- fish, projects, fishing, science? There isn't broad agreement on the definition of success. None are bad, but there isn't agreement on what it is.

Robert Franklin- it's important not to sidestep agency commitment to restoration of the river. There are genuine concerns about agency commitment to restoration. It's awkward and true.

Irma- relationships are right there at the top. There has been a breakdown in trust and respect. How do we fix that?

There will be more detail on certain things in the written report.

Chris- you can have a poor structure, but good relationships and it can work. You can also have a great structure and poor relationships and it won't work.

Doug- is it reasonable to move ahead on the IAP where there is so much disagreement, or should we work on other issues?

Moore- a good question. He doesn't know what the schedule is to work on this. You will likely have a problem finishing it, but you probably don't want to stop. The fastest thing to do is have Brian and Mike talk, and then have the science program staff talk.

Rod would like to have the discussion of the IAP first thing tomorrow when Chris is here.

Mike Berry said that including the IAP is an unfair question to Chris. It would take him another month to get into that one.

There was a general discussion of the IAP.

Meeting adjourned at 4:15 am.

Note: DOI and Tribal G2G meetings tentatively scheduled for 5:00 p.m. and 7:00

Thursday, March 20

Motions:

1. **Motion** to approve June and September minutes by Stokely, second by Lagomarsino, but will be sent out again, for review, and if there are problems, they can be reviewed again and amended.
Vote: Yes- 4, Opposed- 4.
2. Person made a motion by the June meeting whatever comments received on the June and Sept minutes should be incorporated and vote on them, if there are not comments, the minutes will be automatically approved. Second by Stokely. Approved unanimously, Irma abstains

CDR & Assoc. – Follow up to TMC Discussion, Chris Moore, Mike Long, Brian Person

Chris Moore- the next steps are that Brian and Mike Long need to talk soon. Then consultation with the 2 Tribes for their vision of the partnership. The clarification of roles and responsibilities and clarification of the decision making process needs a review. That could all concurrently happen.

Scientists need decisions by the Interior agencies to move forward.

Irma- what will prevent us from slipping into the ways of the past? She is very concerned that when he leaves, we'll slip back to our unhealthy ways of working together.

Chris- we haven't changed anything. The faster these meetings can be scheduled, the better it will be.

Irma asked about the retreats- will it be a closed session? They can be open and closed. If it's all internal, it may be OK to have an open session, or it may be better to have a closed session. There are mostly "the family" here today.

Another issue is long-term facilitation. Because we work with Robert's Rules of Order, you would need to have one who is familiar with Robert's Rules of Order, because most don't. Also do we want a facilitator who knows fish biology? They would know what we're talking about, but they may also have an opinion about what we're talking about.

Larry Hansen asked about a deadlock breaker? Chris- if using a consensus process rather than voting. You do a straw vote to show that you shift from consensus to a decision. What is the threshold for a super majority? Sometimes there is an external independent body that will meet and make a decision outside of the body that the body will have to accept.

See "Beyond Robert's Rules" a new book.

Weseloh asked Chris how much is that we've deviated from the ROD, and how much of it is that the ROD isn't clear?

Chris said it's likely both. There are some "unclearities" and there are different interpretations of those issues. A final decision needs to be made and everybody needs to abide by it.

Weseloh, would it be beneficial to go back and get a common vision of the ROD?

Chris- you will have to go back, but the unclarity could be taken care of by an interpretation by Interior, or can the TMC have some leeway to work it out among itself? It's a framework, but where is the boundary?

Also, the TMC bylaws have real double binds in them to make changes. You have to have unanimity to make change, which automatically makes for deadlock.

Orcutt- within the operational constraints it needs to be TMC members to meet because there are things that aren't being said- maybe they will be revealed in the report. Resolution of those problems needs to be TMC directed without outsiders.

Orcutt- we didn't touch on the political realities of what we are dealing with.

General discussion of the fundamental differences of vision. It's more the difference in vision between the Tribes and Interior.

Whitridge- we have program staff and then the staff of one of the member agencies wants to do something different.

Chris- partnership allows partners to have input into what the program staff does. It can also be a partnership for decisions. Part of it is talking about the org structure and what you want. Do we change it or see if we can make it work the way it is and meet peoples' interests. That is the fundamental issue- partnership on the big picture and partnership on the science decision making.

Is it the partnership or the vision that is going on that prevents reaching decisions. Why does it happen and why do the same coalitions form frequently. It's either structural or is it a different vision? Is it a board of directors, or is it advisory, or does it actually have teeth to tell the ED what to do? However, the ROD says that the ED is a decision maker. It's not clear. There needs to be a clear way to break a deadlock. Interior will make a decision if the TMC doesn't, but it would be good if everybody could support it.

Person- the lack of agreement goes back to the memo to Brian and Mike- it clarifies that they make the decisions in the absence of a TMC agreement. It also says that it's sufficient science to fulfill the program and no more. It's not science for the sake of science. There isn't a common agreement on that, which is fundamental.

Doug- a noticeable lack of respect and trust. Some things can be fixed with relationships and others structural. We sometimes lose sight of the work that needs to be done. He's built fences with management teams and it really helped to do something hands on together.

Chris- It's important to bridge professional relationships by doing something different together. If we only come together to fight and argue, then we probably aren't having a good relationship.

Weseloh- maybe the TMC should float the Trinity River together in a raft?

Weseloh noted that the strengths of the program, he wonders if anybody expressed lack of support for the program the way it is?

Chris- there are fundamental differences about what the program should be in terms of structure and program staff. You can have differences on something, but you can sometimes meet multiple interests. For instance, is the project building projects or bringing back fishing?

Weseloh, there is support for a program vs the program? Chris- there are differing levels of support for THE program.

The report will be done by mid-April, if not sooner.

Minutes - Mike Long asked about the minutes. Stokely said that they are behind in approval of the minutes. Need to approve June and Sept. Still have rough draft of Jan and Feb minutes. He said that Trinity Co. would like to be relieved of minutes and that they would be put out to bid.

Motion to approve June and September minutes by Stokely, second by Lagomarsino, but will be sent out again, for review, and if there are problems, they can be reviewed again and amended.

Orcutt asked if changes were made. Stokely and Allen don't know. He felt uncomfortable with it. .

Hillemeier asked to hold back and will abstain. He can't vote for them if he doesn't know about them.

Allen said that he went back and reviewed the minutes and the changes were made.

Doug said he didn't think that the long minutes are a disincentive to review them. When have we gone back for the minutes to look at substantive things as a result of them. He suggests to the group that the amount of time and expense devoted to the minutes is beyond utility. He doesn't think that the value is there.

Stokely agreed and noted that there are different ways to do minutes

Vote: Yes- 4

Opposed- 4.

Mike asked folks to look at June and Sept minutes and get those approved at the June meeting.

Person made a motion by the June meeting whatever comments received on the June and Sept minutes should be incorporated and vote on them, if there are not comments, the minutes will be automatically approved.

Memory has faded from June and Sept.

Second by Stokely.

He clarified that the minutes will be sent out by Stokely and Allen for further review.

Discussion-

Approved unanimously, Irma abstains.

Mike Orcutt wants TRRP's fiscal person to come back to discuss the issue of govt cost estimates because they too are having problems with it.

Stokely agreed to get the Jan and Feb minutes out soon.

How do we want the minutes to happen?

Discussion of how to do the minutes in the future? Arnold said that the TAMWG is happy with the minutes. They are shorter, but there is a lot of who says what. He said they are useful for other people to know what is going on who aren't present.

Kim charges \$1200 to \$1600 for a 2 day meeting including travel and per diem.

Doug said he and Tom spoke last week about this. Note taking is something that is a neat package to put out to bid.

Irma suggests that instead of figuring out how to do it. We need to talk about what kind of notes to take. She's not sure it's relevant to have such detailed note, better to have the essence of the conversations. She's not confident that detailed notes are the best way to go.

Long- video taping it and can provide DVD's.

Hillemeier supports paraphrasing it. The closer to verbatim, the more people are accountable for everything he says. There are benefits to paraphrasing.

Larry Hansen- if you want something noted, state that you want it for the record.

Vina- the TAMWG takes succinct minutes, paraphrase, wrap up the whole conversation within a paragraph or 2.

Polos- talk of putting it out to competitive bid. It's important to get the right person. The TAMWG had a problem for awhile. The RFP needs to be explicit.

Whitridge, it's important to give the public and others some inkling of why a particular motion was made. His preference would be to have 5-6 pages.

Do we want to task the TRRP office with doing an RFP? Doug said a motion isn't necessary and he understands what the product is.

Mike Berry- he asked about the videotape? It changes the character of the meeting. When there is a dispute, it can be used to resolve that.

Long supported using the video.

Brock- it's an acknowledgement to have the backup.

Orcutt said one of the underlying issues is the govt cost estimate.

Policy Question 1B(2) - Numeric Harvest Goals, Mike Long

Mike Long's understanding is that we don't have to have numeric harvest goals, if we decided that we wanted to, we could. Brian Person agreed.

Doug- it does say that if we developed certain numeric goals, the type of numeric goals might or might not be appropriate. The goal statement is within the scope. It's silent on whether numeric goals are appropriate. Goals need to be consistent with the EIS and ROD. It could be inferred from this that a harvest goal would not be consistent.

Brock- going beyond the ROD and EIS would require more NEPA? Doug- yes, there might be a supplemental NEPA needed.

Orcutt asked for Attachment 1 referenced on page one. He also requests the memo that requested and framed the opinion, which isn't a formal Solicitor's Opinion. The escapement goals he assumes they are the best available science on escapement. If there are changes or mods, it has to go thru additional processes.

However, the population needs to be robust enough to sustain the level of harvest.

Doug- the purpose of this was the IAP steering committee asked for direction on a goal statement. It then morphed into a multi-purpose thing. The TMC members would have the opportunity to take the draft goal statement back to legal counsel for review. The TMC would then have a discussion about the goal statement or a variation on it. Several responded back saying that they wouldn't have a legal review. The 2 Interior agencies did and this is the result. The purpose was to get the TMC comfort level to get a goal statement to move further.

Stokely – escapement goals come from a one page level from DFG director in 1980 or 1981. There. They are likely wrong and there is no justification for them.

Polos cautioned about looking just at spawning escapement. It's all a total population, not just escapement, it's an incomplete assessment without looking at the entire population.

Long- it's a formal Solicitor's Opinion.

Irma asked when is the program over? It's not checking off boxes of "project", or is it fish? Her concern is that we don't have control over ocean habitat. She doesn't want to have goals that we can't manage entirely.

Larry Hansen- the fish harvest allocation takes into account escapement through the PFMC. The big question is authority.

Weseloh – can we adopt the goal statement that was submitted? The Opinion says that the goal statement can be adopted with only qualitative harvest goals. Is the TMC going to adopt the goal statement or are you doing something else?

Orcutt- the escapement goals have through NEPA on 2 occasions. They are best available information for now. OMB's PART and the CVPIA PAR there were explicit escapement goals discussed. Other things are pushing the agenda.

Brock- do we all agree that there is nothing in the Solicitor's opinion that would prevent us from adopting it?

Doug will resend the opinion and the request letter to all. The draft goal statement is in the request letter.

Integrated Assessment Plan (IAP) Update, Tim Hayden, Joe Polos, Rod Wittler

Joe Polos gave a handout on the status of the IAP and explained the status of the IAP.

The schedule is slipping because of the extra effort to re-write part 1.

Tim Hayden- the SC needs to make progress to resolve issues.

Scott McBain- there are policy issues that could also use the resolution round table.

Long asked what is the logjam based on physical and riparian habitat assessment? Polos- it's Mapping and trend monitoring vs process-based. The workshop will likely be used to resolve those differences.

Rod- looking at Resolution Roundtable. Looking at getting a facilitator.

Stokely- is the issue of disagreements over physical and riparian assessment issues at the core of the disagreements over the Habitat Assessment RFP and subsequent proposal.

Polos- yes.

Stokely- then this needs to be resolved right away.

Several stated that this would have to happen quickly before the flows come up in spring.

Weseloh- every one of the issues we've discussed relates to the situation assessment by CDR, the issues that the IAP faces are no less than the issues that CDR brought up.

Doug – it's very unlikely that the IAP will meet the Sept 30 deadline that the TMC designated.

Weseloh noted that there is lot of work load conflicts and hopefully their supervisors won't give them more work.

Rod- There will be a TMC conference call after April 9 on the flow schedule and maybe

Motion if Steering committee decides to send a rewritten Part 1 to the SAB, please do it.

Rod- he interprets that means to mean that the IAP SC focus on part 1, not part 2.

Doug- Part 1 has been going on for a year. It's time to finish it.

Joe- if the SC thought this was in shape to move forward, they could, but not to stop part 2.

Berry- the SC is at a disadvantage because they decided that some portions of part 2 would be done before Part 1 is done. When Part 1 is ready to go to the SAB, does there need to be TMC approval, or can they do it on their own?

Weseloh wants discretion, not direction. It won't go to the SAB with disagreement. If there is disagreement, the TMC would have to decide what to send to the SAB. Are they the Supreme Court, or are they advisors?

Sequence; workshop, resolution roundtable, TMC if disagreements, then SAB?

Joe- if it's not worked out through the Resolution Roundtable, it won't be sent to the SAB.

Mike Long- if the resolution roundtable can come to agreement, then the SC is free to send it to the SAB.

FY2008 and FY2009 Budget Updates, Brian Person, Mike Long, Doug Schleusner

This item was delayed until after lunch because Brian Person was on a conference call.

2008 Flow Schedule, Rod Wittler

This item was taken up at 11:30. Rod gave a powerpoint presentation that was available at the meeting. Next flow meeting April 9 in Weitchpec.

Rod- Will go with ROD flows unless there is a compelling reason to change it.

Rod- Reclamation has said that they won't purchase water this year for a fall pulse flow, if necessary. Orcutt wanted verification of that.

Long- there was a letter that may have stated that. He will check back.

Nonetheless, there is no recommendation for a fall pulse flow.

There was a discussion about the 2,000 cfs bench and temperatures. Tim Hayden said that there is some evidence that the 2000 cfs bench causes delayed outmigration, possibly to find poor conditions in the Lower Klamath.

It worries some about moving the peak flow up a week because of the delayed run in the fall and possible delayed fry emergence. The 2000 cfs bench is something that we can do for these outmigrating fish.

Tim Hayden said that anecdotally, there weren't a lot of early fry. We are possibly seeing an extended emergence of fry.

Rod suggested that the TMC have a conference call on the flows on April 11 to have adequate time for CVOCO to put together the specifics of the flow. It was also suggested that the April 9 be rescheduled to April 7.

Robert Franklin- there won't be the monitoring to be able to tell what's going on with these flows because the Habitat Assessment project isn't being funded.

Orcutt- emerging concern – will there be any coordination with Trinity temperatures and Klamath outmigration temperatures. This relates to the Klamath Settlement Agreement, which seems to segregate out Trinity from the Klamath side on both funding and flows. Flow schedules should be closely coordinated with Klamath.

Rod said he doesn't know of a flow scheduling process on the Klamath, but maybe we just keep track of it.

FY2008 and FY2009 Budget Updates, Brian Person, Mike Long, Doug Schleusner

Brian Person said that there was no motion passed by the TMC regarding the \$3 million. However, the discussions that he and Mike Long have had took were taken into account.

RIG needs at \$750,000 (\$550k for Dark Gulch, \$100k for feasibility study, reveg at \$100k. (item 2a in earlier budget proposal

Item 2b frees up \$500k for TMAG by using CVPIA RF dollars for approved RIG projects-

Watershed restoration needs were taken into account for \$500k.

Agreed to approve several TMAG tasks, IAP support for \$90k total.

Juvenile coho study at \$117k; veg mapping at \$40k, wildlife at \$25k, Phase 2 of RST review at \$15-25k

2 components that have gone through negotiations are: Integrated Habitat Assessment Proposal- they are wondering if CDR would get their contract extended to help with the science program to help bring the significant differences of opinion together, but it didn't work out. They have agreed to approve the fishery component of the HA for \$281,722.14 Furthermore, under development they would hire outside experts to look at the notion of a fully integrated HA approach to get an independent yes or no answer.

In response to a question, any additional funding for the integrated HA proposal implementation will come out of the proposed carryover funds to the next fiscal year.

Bathymetry- there was a question about the relative worth of it for TMAG vs RIG. It will be a RIG funded activity, with TMAG functions as well. The remainder will go into 2009 carryover for the bow wave. We will make a deal that another program office will obligate our funds in 2008, and then they get it back 2009. They will put this in an e-mail to the TMC.

Doug- on the 2009 budget, there will be a revised recommendation to vote on at the next TMC meeting. However, there is a ripple effect of 2009 as it relates to 2008.

Mike and Brian will review the draft 2009 budget before it goes to the TMC. It's not totally unrelated to the \$3 million.

Carryover funding will be somewhere between \$1 million and 1.5 million.

The Hoopa Valley Tribe gave a presentation on their view of the science program and the integrated habitat assessment program and review.

Scott McBain said that in the past and present, there hasn't been enough collaboration and integration in this areas. He gave the powerpoint to obtain support for the fully integrated HA.

Without the integrated HA, we cannot fully evaluate the hypotheses in the ROD.

Primary uncertainty – will the ROD flow and sediment management actions prevent Program failure? Detrimental riparian encroachment has already occurred.

He stated it's important to have cause and effect assessment.

There were questions and answers.

Calendars: Confirm next meeting date and location. *Tentatively June 25-26, Weaverville*

Meeting adjourned at 2:45 p.m.