

## **TRINITY MANAGEMENT COUNCIL SUMMARY**

Arcata City Council Chambers

736 F Street, Arcata, CA

Wednesday March 28, 2007

**TMC Members Present:** Mike Long, Chair, *USF&WS*; John Clancy (Alternate for Irma Lagomarsino), Vice-Chair, *NMFS* Brian Person, *BOR*; Bill Brock (Alternate for Sharon Heywood), *USFS*; Mike Orcutt, *Hoopa Valley Tribe*; Dave Hillemeier, *Yurok Tribe*; Tom Stokely (Alternate for Roger Jaegel), *Trinity County*; Larry Hanson *State of CA (DFG)*

### **Topic, Purpose and/or Decision to be Made**

The chairman called the meeting to order at 9:00am.

#### **Regular Business:**

#### **Approve TMC minutes from December 14, 2006**

#### **MOTION #1**

Hillemeier moved to delay the approval of the minutes for December 14, 2006 to the next day's meeting to allow for additional time to review them.

Brock seconded the motion.

#### **DISCUSSION**

There was no discussion.

#### **VOTE**

The motion was approved unanimously.

#### **Adjourn for the day**

The chairman adjourned the meeting at 6pm and asked TMC members to be prepared to make compromises to their deal-breakers.

## TRINITY MANAGEMENT COUNCIL SUMMARY

Arcata City Council Chambers

736 F Street, Arcata, CA

Thursday, March 29, 2007

**TMC Members Present:** Mike Long, Chair, *USF&WS*; Irma Lagomarsino, Vice-Chair, *NMFS*; Brian Person, *BOR*; Bill Brock (Alternate for Sharon Heywood), *USFS*; Mike Orcutt, *Hoopa Valley Tribe*; Dave Hillemeier, *Yurok Tribe*; Tom Stokely (Alternate for Roger Jaegel), *Trinity County*; Larry Hanson *State of CA (DFG)*

### **Topic, Purpose and/or Decision to be Made**

The chairman called the meeting to order at 9:00am.

#### **Action Item:**

### **FY 2008 Budget (Review/Approval)**

Weseloh made a recommendation:

#### **OPTION #1 REDUCTIONS**

- H-33 \$160k
- H-34 \$15k
- TOTAL \$175k

#### **ADDITIONS**

- RST = \$175k

#### **PRIORITIES**

- RST to \$500k
- Lower Creel \$60k
- Redd/Carcass \$212k
- HA \$200k
- Watersheds \$200

#### **OPTION #2 REDUCTIONS**

- H-33 \$160k
- H-34 \$15k
- Sed. Mon. \$100
- TOTAL \$275k

#### **ADDITIONS**

- RST +\$173 = \$423k (-\$77k)
- Redd/Carcass = \$102k = \$212k (full)

#### **PRIORITIES NEEDS**

- RST \$77k
- Creel \$45k
- HA \$234
- Watersheds \$100k

### **MOTION #1**

Orcutt moved to that the TMC endorse full funding of the program, as per the TAMWG recommendations, approve the administration portion of the budget, approve the RIG budget with the caveat that the Indian Creek AU have sufficient funds for environmental compliance and redesign for 2009, and remand the TMAG to the budget subcommittee with all pertinent information to make a recommendation for the June TMC meeting.

The motion was not seconded.

Motion failed.

### **MOTION #2**

Person moved to adopt Weseloh's Option #2 for the budget.

The motion was seconded by Stokely.

### **AMENDMENT #2(a)**

Hillemeier added an amendment that \$25k be taken out of new equipment and place the funds into RST.

The amendment was accepted.

### **WITHDRAWAL**

Person: I am suggesting the withdrawal of my motion.

Stokely: I willing to accept the withdrawal.

The motion was withdrawn.

### **MOTION #3**

Person moved to approve the Administration and RIG portions of the budget as presented in the budget packet.

The motion was seconded by Stokely.

### **AMENDMENT #3(a)**

Person: I'd like to amend the motion to include direction to reconvene the B team to continue deliberation of items we cannot agree upon, with a recommendation that the TMC to take it up at the next TMC meeting

Stokely accepted amendment.

**AMENDMENT #3(b)**

Lagomarsino: I'd like to make a friendly amendment that the TMC be briefed about the Indian Creek Value Engineering Report concerning notching by the RIG and justification of such designs.

The amendment was accepted by Person and Stokely.

**VOTE**

Ayes: 7

Nays: 0

Abstain: 1 (HVT)

The motion passed as amended.

**Information/Action Items:**

**TRRP Goal Statement**

**MOTION #4**

Stokely moved that the TMC endorse Schleusner's version of the goal statement for legal review as follows:

The goal of the TRRP is to restore and sustain natural production of anadromous fish populations downstream of Lewiston Dam to pre-dam levels, in response to various Congressional mandates as well as the federal government's trust responsibility to the Hoopa Valley and Yurok Indian Tribes (ROD, top of page 17) thus facilitating dependent tribal, commercial, and sport fisheries' full participation in the benefits of restoration via enhanced harvest opportunities. The TRRP strategy for accomplishing this goal restores and perpetually maintains fish and wildlife resources (including threatened and endangered species) by restoring the processes that produce a healthy alluvial river ecosystem, which in turn will restore the necessary diversity of habitats for anadromous fish. The above restoration strategy will be achieved by implementing management actions in a science-based adaptive management program.

The motion was seconded by Brock.

**AMENDMENT #4(a)**

Person: We should amend the motion so that the Goal Statement would be subject to legal review and then would go back to the TMC for adoption.

The amendment was accepted by Stokely and Brock.

**VOTE**

Ayes: 7

Nays: 0

Abstain: 1 (HVT)

The motion passed as amended.

**MOTION #5**

Lagomarsino moved to have the Steering Committee, when they meet April 16<sup>th</sup>, to come up with written responses regarding what it received from McBain & Trush, how to integrate those comments into chapters 1 – 3 of the IAP, and then come back for TMC review.

The motion was seconded by Orcutt.

**VOTE**

Ayes: 7

Nays: 0

Abstain: 1 (FWS)

The motion passed.

**MOTION #6**

Wittler asked that the TMC consider changing the word “integrate” in the motion to the word “address”.

Lagomarsino and Orcutt agreed to the change in language.

**DISCUSSION**

There was no discussion.

**VOTE**

Ayes: 7

Nays: 0

Abstain: 1 (FWS)

## WY 2007 Type; Flow Schedule

### MOTION #7

Person moved to adopt the ROD hydrograph if it officially becomes a dry year.

The motion was seconded by Hillemeier.

### DISCUSSION

There was no discussion.

### VOTE

The motion was passed unanimously.

### Regular Business:

#### Approval of the TMC Minutes for December 14, 2006

### MOTION #8

Stokely moved to approve minutes.

The motion was seconded by Hansen.

### VOTE

Ayes: 6

Nays: 0

Abstain: 2 (HVT & YT)

#### Calendars: Confirm next meeting date and location

The next meeting will be held June 20-21 in Weaverville.

### Adjourn

Meeting adjourned at 5:25pm by the chairman.

**TRINITY MANAGEMENT COUNCIL MINUTES**

Arcata City Council Chambers

736 F Street, Arcata, CA

Wednesday March 28, 2007

5

**TMC Members Present:** Mike Long, Chair, *USF&WS*; John Clancy (Alternate for Irma Lagomarsino), Vice-Chair, *NMFS* Brian Person, *BOR*; Bill Brock (Alternate for Sharon Heywood), *USFS*; Mike Orcutt, *Hoopa Valley Tribe*; Dave Hillemeier, *Yurok Tribe*; Tom Stokely (Alternate for Roger Jaegel), *Trinity County*; Larry Hanson *State of CA (DFG)*

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**Non-Voting Ex-Officio TMC Member:** Doug Schleusner, *TRRP Executive Director*

**TMC De-Facto Secretary:** Joshua Allen, *Trinity County Natural Resources Div.*

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**Others Present:** Arnold Whitridge, *TAMWAG Chair*; Tom Weseloh, *TAMWG & CALTROUT*; Rod Wittler, Dave Gaeuman, Ed Solbos, & Priscilla Henson, *TRRP*; Nick Hetrick, Vina Frye, Don Reck, Joe Polos, & Randy Brown, *USFWS*; Sheri Miller, *USFS*; Robert Franklin, George Kautsky, & Andrea Davis, *HVT*; Tim Hayden, *Yurok Tribe*; Mike Berry, *DFG*; Emelia Berol, *Trinity River Advocate, & Producer of the Movie "The Waters of These Mountains: Restoring the Trinity River"*; Bob Wunner, *Citizen*, Tim Such, *Citizen*

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**Topic, Purpose and/or Decision to be Made**

The chairman called the meeting to order at 9:00am.

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**Regular Business:**

**Introduction:**

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The chairman asked everyone in attendance of the meeting to introduce themselves, beginning with TMC members.

**Approve TMC minutes from December 14, 2006**

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**MOTION #1**

Hillemeier moved to delay the approval of the minutes for December 14, 2006 to the next day's meeting to allow for additional time to review them.

40

Brock seconded the motion.

**DISCUSSION**

There was no discussion.

45

**VOTE**

The motion was approved unanimously.

5 **Open Forum: Comments from the public**

Tom Weseloh made opening remarks regarding the budget and proposed legislation.

**Report from TAMWG Chair**

10 Here are recommendations from the March 19-20 TAMWG meeting.

**2007 flow schedule:** The TAMWG supports the use of the ROD hydrograph. The TAMWG recommends against allocating ROD volume for possible extra late summer releases. If provision for extra late summer releases seems desirable, we recommend that the Bureau of Reclamation be asked to secure additional water beyond the ROD volume. The TAMWG suggests that the TMC seek the ability to “bank” ROD water between years.

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20 If necessary, Interior should be asked for a volume beyond the ROD. Also ask to have the ability to bank water between water years, not necessarily for fall flows, but it would make it easier to support fall flows from the ROD if so. The water banking had one opposing vote from Serge Birk representing the CVP Water Association; all other votes were unanimous.

**Regarding the IAP,** the TAMWG recommends that the TMC resolve all outstanding policy issues. The TAMWG accepts Part 1 and recommends that the efforts of the writing group now be directed to preparation of Part 2 on the proposed schedule. The TAMWG appreciates the work of Curtis Anderson, Rod Wittler, ESSA, and the rest of the writing group in developing Part 1.

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30 **2008 budget:** The TAMWG recommends that the TMC pursue “full program funding” for 2008 and 2009. Our collective judgment is that the valuable work-group deliberations and the synthesis by TRRP staff have produced a reasonable budget for the unsatisfactory funding understood to be available. The TAMWG supports completion of the Dark Gulch and Lewiston 4 projects in 2008, though a motion to recommend transferring 2008 funding from the TMAG to the RIG to facilitate this was unsuccessful. We agree that coded wire tagging operations are important but suggest that the TMC seek funding (\$348,000 total) for them under hatchery O & M rather than through the TRRP budget. We recommend that the full program cost of watershed work be identified as \$2 million per year, as specified in the ROD.

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40 The TAMWG recommends that the TMC approve a TRRP budget in March.

**Report from TMC Chair**

(REPORT WILL BE INSERTED WHEN RECIEVED FROM LONG)

45

**Report from Executive Director**

Schleusner thanked Allen and Stokely for the improvement in the minutes.

5 Schleusner then acknowledged the passing of Patrick Garrison who worked with the Department of Fish & Game on restoration of the Trinity River, and made mention of the memorial service held the previous Saturday along the Trinity River at the Douglas City Campground. He read a letter that was drafted to be given to Patrick's family from the TMC members and others associated with the Program to express their condolences for the loss of a valuable colleague and friend.

10 Schleusner then distributed laptop briefcases to the IAP steering committee for their participation in the development of that document. He then gave an overview of his report:

15 1. Summary: Primary areas of emphasis and accomplishments for the TRRP staff and partners during the past quarter have included: 1) responding to comments received on the review draft of Chapters 1-3 of the Integrated Assessment Plan (IAP), including those received from the Science Advisory Board (SAB) during the December 2006 workshop; 2) preparation for and participation in the first annual Science Symposium in February 2007; 3) development and review of the proposed FY2008 budget; 4) continued work on FY2007 financial assistance agreements; 5) coordination with affected landowners to complete "accords, agreements, and satisfactions" necessary for floodplain structure modifications in preparation for spring 2007 dam releases; 6) reviewing and processing applications received under the "Potable Water and Sewage Disposal System Assistance Program," and 7) continued planning, design, and NEPA/CEQA compliance for the Indian Creek channel rehabilitation site.

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30 The Gantt charts presented in the previous Director's Report have been updated and expanded to help the TMC monitor the Program's progress and understand the significant work scheduling issues facing us in the coming months. They do not include every project or activity, but focus on those with milestones that have the potential to interact or conflict with other high priority tasks. They are intended to inform the TMC's discussion of workload, priorities, and schedules on March 28-29. More detailed charts are available upon request for many of the individual projects.

35 2. General Program Administration:

- FY2007 Budget and Appropriations Status: As of March 16, 2007, the appropriations bill for Energy and Water, along with 10 other departments, had not been signed. The Continuing Resolution (CR) has been extended through September 30, 2007. While this probably means the TRRP will continue to operate at the lowest of three budget levels – FY2006, the House version of FY2007, or the Senate version of FY2007, detailed guidance has not yet been provided. The most likely net effect for the Program is that the \$9.2 million program of work approved by the TMC in September 2006 will continue to be our operating plan for the rest of this fiscal year.

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- FY2008 Budget Development: On November 30, 2006, I distributed instructions to staff and partners for implementation of the TMC subcommittee's guidance for the FY2008 budget process. Workgroups met in early December to review a list of potentially feasible subunits and discuss relative priorities for those tasks. The B-Team met twice in January to review and suggest modifications to the workgroup recommendations. Three review packages of interim work products were mailed on January 8, February 13, and March 8. The latter included a response to comments and proposed budget of \$10 million presented to the TAMWG on March 20 and again to the TMC on March 28. The proposal is based on a President's Budget for Reclamation of \$8 million and \$2 million from other sources.

### 3. Rehabilitation Implementation Branch:

- Floodplain Structures: Approximately 61 applications for the "Potable Water and Sewage Disposal System Assistance Program" have been received, with 56 determined to be eligible. One house near Junction City may still require some type of modification or relocation, but this will not constrain peak flows this year. Negotiations with the landowner are continuing.
- Channel Restoration Sites: The Canyon Creek suite of rehabilitation sites (4) was completed in late November 2006. Revegetation of the sites is currently in progress. This brings the total number of rehab sites constructed to six.

The review period for the Indian Creek Rehab Site EA/EIR supplement ended in February. Engineering designs and contract specifications have been completed, and the federal FONSI/state certification is scheduled for early May. The contract award should occur on/about June 1, with construction following shortly thereafter. This will bring the total number of rehab sites constructed to nine.

The Design Team met several times recently to finalize design concepts for the Dark Gulch/Lewiston 4 rehab sites. This will lead to 50% designs which are necessary for completing the draft EA/EIR on schedule. Approximately four months of contractor earnings (\$1 million, including \$500,000 of DFG grant money) have been included in the proposed FY2008 budget, with the balance of \$700,000 deferred to FY2009. Upon completion in 2009, this would bring the total number of sites constructed to 17.

- Gravel Augmentation: Approximately 10,000 tons of gravel will be placed this year (FY2007), with about 25,000 tons scheduled for each of the next two years.

### 4. Modeling and Analysis Branch:

- Scientific Framework and Integrated Assessment Plan (IAP): The results of the Science Advisory Board (SAB) IAP review/workshop were summarized by the Steering Committee and shared at the December TAMWG and TMC meetings. A revised and updated Part 1 will be discussed at the March 2007 TAMWG and TMC meetings, with

final comments due on March 29. The IAP writing group will meet in early April to review and incorporate those changes.

- 5 • Flow Scheduling: The IDTeam met on March 14 to review the latest water year forecast information and to discuss possible options to the ROD defined hydrographs/release schedules for both Dry and Normal water years. After an initial (early February) forecast that was solidly in the Dry range, several mid-February storms pushed projected inflow to Trinity Reservoir to within 25,000 acre-feet of a Normal year classification. Since then it has been dry, with little or no precipitation predicted in the near future. The final water year determination will be announced on/about April 9.
- 10 • IIMS: The Integrated Information Management System (IIMS) is showing substantial progress, with at least nine data sets established and populated (including streamflow and temperatures, redd counts, and realty information) containing over one million records. Budget and sediment data sets, along with GIS functions, are the next scheduled tasks.
- 15 • Science Symposium: The first annual TRRP Science Symposium was held at the Victorian Inn in Weaverville on February 7-9. About 45 presentations were given, with an average daily attendance of about 75. Nearly 125 individuals registered over the three day session. Abstracts and PowerPoint presentations along with symposium notes are now posted on the website at [www.trrp.net/science/2007scienceSymposium.htm](http://www.trrp.net/science/2007scienceSymposium.htm).
- 20

**Information/Action Item:**

25 **Watershed Restoration Issues and Projects:**  
*Information and Proposal*

Stokely gave a brief presentation about watersheds that was given at a previous TAMWG meeting. It included an overview of P.L. 96-335 about the protection of Grass Valley Creek (GVC) watershed. He specified that there is a Decomposed Granite Grading Ordinance as required by P.L. 96-335, but there is not a County-wide grading ordinance. The County does not have its own rules affecting timber harvest in sensitive soils such as GVC, as the State legislature took away the ability of counties to do so in 1983. Many timber harvests put roads before applying for a Timber Harvest Plan so they don't have to comply with any regulations on road building. There has been a long line of watershed issues that have needed a response.

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Stokely also gave background about the TRMFR EIS/EIR and its development of the ROD. Based upon the ROD, the watershed component should include \$2 million in the TMC budget; though this component is not full restoration being that it only focuses upon sediment and roads and does not include activities known to be successful in the recover of fisheries such as riparian habitat improvements or fish migration barrier removals.

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Stokely also reviewed TMDLs within the basin, which for some reason was omitted out of the first drafts of the IAP.

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Stokely explained why the watershed group got together as an “ad hoc” group, which was due to funding running out, yet there was a need to prioritize and recommend watershed projects for TMC budgeting. All projects are in the upper 40 miles of the watershed (i.e. NF to Lewiston). If additional funding were to become available, there are easily multi-million dollar projects that could be done yearly. If we have identified projects with a match, the County and TCRCD can apply for DFG Fisheries Restoration Grant Program funds. He also gave an overview of the County’s IRWMP grants and the Hayfork project which will give more flows to Hayfork Creek by reducing irrigation water diverted directly from Hayfork Creek, and also reducing demand for treated water by providing a parallel untreated water line for major irrigators such as the high school, Fair, park and elementary school. An overview of the priorities and funding needed was given. An explanation of the EPA Targeted Watersheds Grant Program partnership between the Yuroks, TCRCD, and the County was given.

**Break: 11:00 to 11:15**

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**Information/Action Item:**

**Fiscal Year 2008 Budget (Presentations)**

*Overview & Process; Program Administration; RIG; TMAG*

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Schleusner, Solbos, and Wittler gave an overview presentation of the FY08 Scope of Work. Schleusner went over recent and conditions and events, budget process, basic concepts for the proposal, funding comparisons and current projections, TAMWG recommendations, and program administration. Solbos gave an overview of the RIG budget line items. Wittler gave an overview of the TMAG budget line items.

25

**Lunch: 12:05 to 1:05**

Questions regarding the budget presentation were fielded to TRRP staff. There was some concern regarding the Indian Creek Project and notching of the upstream R-1 site. Based upon the value engineering report, some see no need for notching. Solbos explained that it is experimental, but the decision to take out the entire floodplain is not an option due site conditions that limit the amount of spoils areas available on the far side of the river. He explained that based upon observations of the Canyon Creek suites where they left “islands” of trees; it appears that habitat is increased when the entire floodplain is not obliterated. With the higher flows, the thought is that the islands left by notching will be scoured, furthering floodplain development while creating more complex habitat.

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There was then a general discussion about “consensus” and what that means in regards to work groups. It appears that when “consensus” is termed as how a decision is made in a work group, it really is not so, because the decisions are made by a small majority, usually whatever the TMAG discussion leader “perceives” as “consensus”. However, true consensus, as stated by Stokely, is a decision made by the whole of the group with no dissention or at a minimum, abstention by those who don’t agree, which is not usually the case at work group meetings. Decisions made at work group meetings are of the simple majority type that are reported as “consensus”, which some

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partners find offensive because minority opinions are being overlooked and being made to look as if they agree with the “consensus” decisions.

**Information/Action Item:**

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**Fiscal Year 2008 Budget (Review/Discussion)**

*Members’ Reaction to Budget Proposal (5 min. each), Roundtable Discussion*

Statement of positions of each TMC member on the budget and what might be “deal killers.”

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TC: Stokely is concerned that there is too much money in the TMAG and not enough in the RIG. The County is concerned that the implementation program will not get completed if funds continue to be delegated as they have been. He would like to see more funding in watersheds so it is a more defensible program because it’s holistic.

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. He suggests removing funding from SALMOD and mainstem sediment monitoring.

Yurok: Hillemeier has concerns about the amount of funds in the RST, actual costs may need to be reviewed, and a process set up to do so. There needs to be a transparent process. The \$250k for RST is inadequate. There are fixed costs and the process should look at this. Redd carcass surveys are underfunded, which is an important component of the monitoring program. In regards to the age composition project, he unsure how those numbers came about, he has not had an opportunity to go through it. Its unclear about what is going on with expert habitat mapping and would like a better understanding of the budget process there because what the cost pays for is unclear.

25

DFG: Hanson has concerns with funding not being enough for the harvest/angling survey. Last year the budgeted amount was \$60k, now its \$45k, which may not be enough. The state supports the overall budget as proposed.

30

Hoopa: Orcutt has concerns that the program is still struggling with budget restrictions and is consistently underfunded. The dilemma becomes defining goals and objectives. There are a lot of authority issues regarding laws for hatchery management and harvest surveys. As far as the budget, the tribe is unhappy with the budget approval process and is not satisfied with the current budget. The RST funding is a concern. He also feels that the Indian Creek project should be done right the first time instead of planning on a contingency. He wants AFA deadlines met.

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BOR: Person has concerns with the notion of not passing the budget. He would like TMC members to realize that the budget amount is fixed and they can compromise on the budget. He understands the RST concerns and read the SAB report, he is concerned with how rationalizing the RST budget upwards when the SAB says to spend less on it, and wants to hear some sort of justification for this spending.

40

FS: Brock has the same concerns as DFG. He agrees with the TAMWG position about full watershed program funding at \$2M. He agrees with the County regarding watershed funding and projects. Regarding wildlife, it has always been a target, but he sees it as a program barely making it by, and more funding needs to be put in that direction.

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5 NMFS: John thinks it's critical that the program identifies specific goals for the budget and that it is applied. If a program can't be funded, it should be gotten rid of. Though, we need to stay with core funding and activities, and this requires more discussion. There needs to be consistency to the program; RST, surveys, and the Indian Creek project funding are concerns. Specifically with Indian Creek, he has concerns regarding the value engineering report and the implementation plan.

10 FWS: Mike has concern with the consensus process and documentation. He is hearing that often times when consensus is used, that it really is not consensus, but rather simple majority. He has concerns about the carcass and redd surveys being underfunded and the length of river to be surveyed. Habitat baseline should be resolved and more funding needs to be placed into this item. RST funding is way off and needs more funding.

15 The TMC temporary adjourned at 3:40pm due to the need to leave the Arcata Council Chambers which had another scheduled meeting to follow the TMC. The chairman called a continuation of the meeting at the USFWS Arcata Office conference room and invited those in attendance.

20 **The TMC reconvened at 4:10pm at the USFWS Arcata Office.**

Those present included Bill Brock, Tom Stokely, John Clancy, CJ Ralph, Dave Hillemeier, Larry Hansen, Brian Person, Doug Schleusner, Joshua Allen, George Kautsky, Mike Orcutt, Rod Wittler, Don Reck, Arnold Whitridge, Joe Polos, Ed Solbos, Robert Franklin, and Nick Hetrick

25 Whitridge would like a formal response to the TAMWG recommendations.

Questions/Concerns:

- 30
1. Do we have more time to pass the budget?
  2. What is the process if the budget is not passed?
  3. What process will be followed if funding level changes (up or down)?

<u>Issue</u>	<u>Proposed \$</u>	<u>Revised \$/Scope</u>	<u>Change</u>	<u>Effect</u>
35 <b>Major</b>				
RST (H-5) & Wildlife	\$250k	\$500k (fws)	+\$250k	Eliminates H-33
Lower River Creel Survey (H-21b)	\$15k	\$60k (hvt)	+\$45k	
Redd/Carcass (H-9)	\$110k	\$220k	+\$110k	
40 Habitat Assessment (H-14)	\$66k	\$500k (fws)	+\$434k	
<b>Minor</b>				
Watersheds (H-23) Transport (H-2)	\$100k	\$200k (TC)	+\$100k	From M.S. Sed.
45				(\$333k to \$233k)

	Fry Density/Survival (H-16) statement of goals	\$60k	\$150k	+\$90k	Needs clear
	Indian Creek	\$100k	\$350k	+\$250k	
5	Age Composition (H-28) (spring run)	\$65k	\$105k	+\$40k	Scope issue
	Lower T&K Sport Harvest (H-21a)	\$45k	\$64k	+\$19k	
	M.S. Sediment Monitoring Watersheds	\$333k	\$233k	-\$100k	Goes to
	H-33	\$160k	\$0	-\$160	Goes to RST
10	Wildlife	\$155k	\$0	-\$155k	Goes to RST
	<b>TAMWG</b>				
	Lew. & Dark Gulch ±600k			+\$600k	
	CWT ⇒ O&M	\$346k	\$0	-\$346k	Goes to
15	Hatchery O&M				
	\$2M Full ROD Funding for Watersheds				
	<b>TOTALS</b>	<b>\$3.8M</b>	<b>\$2.382M</b>	<b>+\$1.177M</b>	

20 A general discussion ensued about the proposed changes in funding. There was a suggestion by Hillemeier to have the Redd/Carcass Surveys at \$212k instead of \$220k and Habitat Assessment at \$200k instead of the proposed \$500k, possibly to be taken out of L-8.

25 Long said that FWS believes that the Habitat Assessment is a much needed item and he is uncertain that \$200k would be sufficient. The problem seems to be that to fund RST at \$500k, other items will suffer or be completely eliminated from funding; so far the proposed reductions amount to \$415k, and reaching \$500k for RST & Habitat Assessment (for a total of \$1M) each respectively may not be feasible.

30 A suggestion was made to look at funding both RST & Habitat Assessment at levels less than \$500k, and possibly eliminate Habitat Assessment altogether. A concern is that the baseline assessment data needed for the program will not be met with the current budget.

35 It was decided that the TMC would use the walk up/walk down table for at least the TMAG portion of budget, but not for RIG.

### Adjourn for the day

40 The chairman adjourned the meeting at 6pm and asked TMC members to be prepared to make compromises to their deal-breakers.

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## TRINITY MANAGEMENT COUNCIL MINUTES

Arcata City Council Chambers

736 F Street, Arcata, CA

Thursday, March 29, 2007

5

**TMC Members Present:** Mike Long, Chair, *USF&WS*; Irma Lagomarsino, Vice-Chair, *NMFS*; Brian Person, *BOR*; Bill Brock (Alternate for Sharon Heywood), *USFS*; Mike Orcutt, *Hoopa Valley Tribe*; Dave Hillemeier, *Yurok Tribe*; Tom Stokely (Alternate for Roger Jaegel), *Trinity County*; Larry Hanson *State of CA (DFG)*

10

**Non-Voting Ex-Officio TMC Member:** Doug Schleusner, *TRRP Executive Director*

**TMC De-Facto Secretary:** Joshua Allen, *Trinity County Natural Resources Div.*

15

**Others Present:** Arnold Whitridge, *TAMWAG Chair*; Tom Weseloh, *TAMWAG & CALTROUT*; Rod Wittler, Dave Gaeuman, & Ed Solbos, *TRRP*; Nick Hetrick, Vina Frye, Don Reck, Joe Polos, & Randy Brown, *USFWS*; CJ Ralph & Sheri Miller, *USFS*; George Kautsky, & Andrea Davis, *HVT*; Tim Hayden, *Yurok Tribe*; Mike Berry, *DFG*; Wade Sinnen, Bill Trush

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### Topic, Purpose and/or Decision to be Made

The meeting was called to order at 8:45am by the chairman.

### Action Item:

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### **FY 2008 Budget (Review/Approval)**

Long gave an overview of the meeting that occurred at the FWS office and distributed copies of the tables put together the day before on budget issues of concern. .

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Brock: Zeroing out wildlife as proposed is something I can't support.

Stokely: I can't either.

35

Weseloh: It is the feeling of the TAMWG that the budget should be passed today.

A general discussion took place about any deal breakers TMC members may have with the budget. Zeroing out wildlife and reducing sediment monitoring by \$100k will be a deal-breaker. There is some doubt as to whether or not to fund the Indian Creek AU site to the full amount to take out 30k yd<sup>3</sup> of gravel or to zero it out completely. A concern is that the TMC needs to get into solution mode and be willing to budget accordingly while compromising on big ticket items.

40

Weseloh made a recommendation:

45

### OPTION #1 REDUCTIONS

- H-33 \$160k

- H-34 \$15k
- TOTAL \$175k

#### ADDITIONS

- 5
- RST =\$175k

#### PRIORITIES

- 10
- RST to \$500k
  - Lower Creel \$60k
  - Redd/Carcass \$212k
  - HA \$200k
  - Watersheds \$200

#### OPTION #2 REDUCTIONS

- 15
- H-33 \$160k
  - H-34 \$15k
  - Sed. Mon. \$100
  - TOTAL \$275k

#### ADDITIONS

- 20
- RST +\$173 = \$423k (-\$77k)
  - Redd/Carcass =\$102k = \$212k (full)

#### PRIORITIES NEEDS

- 25
- RST \$77k
  - Creel \$45k
  - HA \$234
  - Watersheds \$100k

#### 30 MOTION #1

35 Orcutt moved to that the TMC endorse full funding of the program, as per the TAMWG recommendations, approve the administration portion of the budget, approve the RIG budget with the caveat that the Indian Creek AU have sufficient funds for environmental compliance and redesign for 2009, and remand the TMAG to the budget subcommittee with all pertinent information to make a recommendation for the June TMC meeting.

The motion was not seconded.

40 Motion failed.

#### MOTION #2

45 Person moved to adopt Weseloh's Option #2 for the budget.

The motion was seconded by Stokely.

**AMENDMENT #2(a)**

5 Hillemeier added an amendment that \$25k be taken out of new equipment and place the funds into RST.

The amendment was accepted.

10 **DISCUSSION**

Hillemeier: My hope is that this cost estimate is a preliminary work product.

Person: I think that is a good approach. There are some broad opinions about the costs of RST.

15 Lagomarsino: Would projects be short if we approve this?

Long: We're putting caveats on a process that is supposed to address unit costs, so if we're hemming ourselves in, I think it's inappropriate.

20 Person: I'm not a RST operator and I am unsure about the specifics. There seems to be a significant range as to the cost of those traps. If there is additional information needed in the independent cost estimate, I think the groups should get back together to review it.

25 Schleusner: The proposal is for a five month period.

Kautsky: We attempted to make the case that the two trap sites at Willow Creek and the North Fork Trinity River are different. Time periods are different.

30 Berry: That's what the evaluation is supposed to capture. I'm not sure how this is to be dealt with.

Long: I'm certainly willing to be in discussions about cost, but I don't think that we'll get there. I don't see how the \$500k will come about.

35 **WITHDRAWAL**

Person: I am suggesting the withdrawal of my motion.

40 Stokely: I willing to accept the withdrawal.

The motion was withdrawn.

**MOTION #3**

45

Person moved to approve the Administration and RIG portions of the budget as presented in the budget packet.

The motion was seconded by Stokely.

5

## **DISCUSSION**

10 Orcutt: We had a fair amount of discussion about the Indian Creek AU site in the RIG budget. In regards to whether this approach will work, I would point out that NMFS also had reservations about the Indian Creek design. So unless I hear further about this disagreement, I can't move forward with the RIG portion of the budget.

15 Long: I too have concerns, but I am interested in moving this budget forward as we can. I don't think its worth holding up those projects.

Lagomarsino: I heard concerns about notching from the Value Engineering Report, which I have not read, but I don't think that the extra \$100k asked for will require further discussion of the report. In holding it back, there would be a discussion and a review of the report. I just feel that it's already a done deal and the TMC relies on the Program to make engineering decisions.

20

Schleusner: The budget portion of Indian Creek is for contract administration and has nothing to do with the AU site. It should be a separate issue in that it's covered by the FY07 budget and it's not a FY08 budget issue.

25 Stokely: I think that it's a good idea to try this notching option to see how it works and to create habitat variability. I support keeping the AU site in as a good adaptive management concept, and if it's successful, it could save a lot of money in the future.

30 Orcutt: There was a fair amount of discussion about site development. It is clear to me that there is a 2012 deadline on the 42 sites. There is not a contingency and there is not much room to go back. We need to take a conservative approach to projects and "do it right".

Hillemeier: I'm not comfortable voting on portions of the budget and not the whole budget; I don't want someone else making the decision for us.

35

Long: We can't defer this to anyone except ourselves at a future time.

Hanson: What happens if we don't pass the budget? I would like to hear what would happen.

40 Stokely: I am wondering if it would be useful if it was clarified that the TMAG would go back to the B-team and I'd be willing to accept such an amendment.

## **AMENDMENT #3(a)**

Person: I'd like to amend the motion to include direction to reconvene the B team to continue deliberation of items we cannot agree upon, with a recommendation that the TMC to take it up at the next TMC meeting

5 Stokely accepted amendment.

## **DISCUSSION**

10 Long: I'm not comfortable with this being kicked back to the technical groups. I feel that the TMC needs to make the decision.

Schleusner: The TMC has specified the B-Team representatives and it does consist of TMC members.

15 **AMENDMENT #3(b)**

Lagomarsino: I'd like to make a friendly amendment that the TMC be briefed about the Indian Creek Value Engineering Report concerning notching by the RIG and justification of such designs.

20

The amendment was accepted by Person and Stokely.

## **DISCUSSION**

25 **Stokely stated that he would e-mail the Value Engineering Report to TMC members.**

Hillemeier: If I vote yes on this motion, I don't think this precludes the technical groups, and this by no way means that I think the budget is sufficient to meet the ROD.

30 **VOTE**

Ayes: 7

Nays: 0

Abstain: 1 (HVT)

35

The motion passed as amended.

Long: I'd recommend that B-Team meeting have a third party note taker to adequately record decisions and that they truly strive for consensus so no shred of doubt about what happened.

40

**Break: 10:45 to 11pm**

## **Information/Action Item:**

45

### **IAP Part I**

*Status, Response to Comments, Part II Schedule*

Wittler gave a presentation about the IAP. He gave a review of the schedule of Part II, the purpose and structure of the IAP. There are a number of unresolved policy issues such as:

- 5 1. Do TRRP responsibilities include:
  - 1a. Habitat Restoration?
  - 1b. Hatchery Management?
  - 1c. Harvest Management?
- 10 2. Lower Klamath River Management?

**12:00 – 1:00 Lunch**

Comments on and discussion of the IAP.

- 15 Bill Trush believes that Part I is not even remotely done for “prime-time”. He’s speaking for his firm and not the tribe. There is a lack of integration in the IAP from his perspective.

- 20 A general discussion about how the IAP was drafted and what were the thoughts of TMC. Part of the issue is that there is not much review of the document by others outside of the IAP group and that when scientists get together to write, they will release a scientific paper that may not take into account political issues. It is also unclear what exactly the intent of the document is.

**2:45 to 3:00 Break**

- 25 **Information/Action Items:**

**TRRP Goal Statement**

- 30 Stokely gave a brief presentation regarding the Goal Statement for the TRRP.

**MOTION #4**

- 35 Stokely moved that the TMC endorse Schleusner’s version of the goal statement for legal review as follows:

- 40 The goal of the TRRP is to restore and sustain natural production of anadromous fish populations downstream of Lewiston Dam to pre-dam levels, in response to various Congressional mandates as well as the federal government’s trust responsibility to the Hoopa Valley and Yurok Indian Tribes (ROD, top of page 17) thus facilitating dependent tribal, commercial, and sport fisheries’ full participation in the benefits of restoration via enhanced harvest opportunities. The TRRP strategy for accomplishing this goal restores and perpetually maintains fish and wildlife resources (including threatened and endangered species) by restoring the processes that produce a healthy alluvial river ecosystem, which in turn will restore the necessary diversity of habitats for anadromous fish. The above restoration strategy will be achieved by implementing management actions in a science-based adaptive management program.
- 45

The motion was seconded by Brock.

## DISCUSSION

5

Hillemeier: I'm curious why we need legal review?

Person: It was characterized as a broader review and the previous motion made had legal review as a component. BOR needs to have it reviewed as part of the internal process.

10

Orcutt: I'm not sure if the motion speaks to that. I don't want to lose sight for the need to discuss and adopt the objectives of the congressional intent, nor delegate it to a sub-committee. I think there are enough implications and importance to Tribal Trust that federal agencies must review it in a timely manner.

15

## AMENDMENT #4(a)

Person: We should amend the motion so that the Goal Statement would be subject to legal review and then would go back to the TMC for adoption.

20

The amendment was accepted by Stokely and Brock.

## DISCUSSION

25

Orcutt: Those are questions that someone has a clear understanding of outcomes. My hope is that the legal review would incorporate Government to Government (G2G) review.

Person: Would it get to the same point if we make the formal request for solicitors review in DOI if the request consults with legal council of the tribes?

30

Orcutt: I just think it needs to cautious in regards to consultation.

Long: I believe that G2G is held outside of the TMC.

35

Person: We can urge that the solicitor consult with tribal legal councils. The solicitor can comment back before consultation by the Bureau and then G2G could occur.

Long: Is it the intent of this group that we'd come back to this to add an objective that quantifies escapement and harvest?

40

Stokely: That would be my intent that we come back to it.

Person: The BOR could commit to G2G with the tribes by: 1. submit a request of a formal request by the Solicitor that urges the Solicitor to consult with tribal; and 2. after receiving comments about draft goal statement that BOR will have G2G consultation with the tribes to discuss comments by the Solicitors office.

45

Orcutt: What if the PAR process develops goals with us?

5 Stokely: I highly doubt that they would do that themselves without consulting with the TRRP office.

Person: The commitment to have G2G consultation with the tribes is irrespective if the tribes abstain from this vote or not.

10 **VOTE**

Ayes: 7

Nays: 0

Abstain: 1 (HVT)

15 The motion passed as amended.

**MOTION #5**

20 Lagomarsino moved to have the Steering Committee, when they meet April 16<sup>th</sup>, to come up with written responses regarding what it received from McBain & Trush, how to integrate those comments into chapters 1 – 3 of the IAP, and then come back for TMC review.

The motion was seconded by Orcutt.

25 **DISCUSSION**

Hillemeier: So does this motion allow them to move on with their portion of the assignment?

30 Lagomarsino: Yes, they can go ahead and move on. It does not mean that chapters 1-3 are done.

**VOTE**

35 Ayes: 7

Nays: 0

Abstain: 1 (FWS)

The motion passed.

40 A general discussion followed about the process and bringing it back to TMC for the June meeting.

**MOTION #6**

45 Wittler asked that the TMC consider changing the word “integrate” in the motion to the word “address”.

Lagomarsino and Orcutt agreed to the change in language.

**DISCUSSION**

5

There was no discussion.

**VOTE**

10

Ayes: 7

Nays: 0

Abstain: 1 (FWS)

**WY 2007 Type; Flow Schedule**

15

Wittler gave a presentation about the preliminary flow schedule for the year. The March forecast is 1 Million AF @ 50% exceedance, meaning that it will be a Dry Water Year type and will be reflected in the hydrograph. It is a below average water year in the Klamath basin. He gave a summary of past year flow releases. The flow group recommends a ROD flow and notes that the criteria for a fall flow have not been met. To be considered at the April 12 meeting will be the 2000cfs bench if it becomes a Normal Water Year. Should it become a normal water year type, then TMC should be reconvened via a conference call to discuss and approve any changes in Normal Water Year ROD flows, such as the 2,000 cfs bench or fall flows.

20

25

**MOTION #7**

Person moved to adopt the ROD hydrograph if it officially becomes a dry year.

The motion was seconded by Hillemeier.

30

**DISCUSSION**

There was no discussion.

35

**VOTE**

The motion was passed unanimously.

**Information Items:**

40

The rest of the items on the agenda were suggested for dismissal from discussion due to the meeting going over the allotted time frame.

45

Orcutt objected to putting off all of the items. Even though the TMC meeting is out of time, he would like to talk about the HVT legislation. The TMC went through an excruciating budget dilemma, but the HVT's efforts are to stabilize the budget.

There were no other objections to removal of budget issues

### **HVT Draft Legislation**

5

Danny Jordan gave a presentation on the HVT's proposed funding legislation for TRRP. It was noted that there will be a meeting on April 10 before the CVPIA Restoration Round Table. Orcutt made comments, as well as did Stokely, on the proposed legislation, whereas no other TMC members made any comments.

10

#### ***Items not discussed and dismissed:***

#### **FY 2008 Budget Process Review and FY 2009 Budget Process Planning Klamath Settlement Talks**

15

*General Overview/Status (to extent allowed under non-disclosure agreements)*

#### **Regular Business:**

20

#### **Approval of the TMC Minutes for December 14, 2006**

#### **MOTION #8**

25

Stokely moved to approve minutes.

The motion was seconded by Hansen.

#### **DISCUSSION**

30

Both Orcutt and Hillemeier stated that they would abstain from the approval of the minutes because they were not there and had an alternative representing them.

#### **VOTE**

35

Ayes: 6

Nays: 0

Abstain: 2 (HVT & YT)

40

#### **Open Forum:** Comments from the public

There were no comments from the public.

#### **Calendars:** Confirm next meeting date and location

45

The next meeting will be held June 20-21 in Weaverville.

## **Adjourn**

Meeting adjourned at 5:25pm by the chairman.