

Draft Meeting Notes

TRINITY MANAGEMENT COUNCIL

March 29 – 30, 2023
MS Teams Video Conference

Day 1, March 29, 2023 9:00am

TMC Members

Primary	Representative Seat
Tanya Sommer	U.S. Fish and Wildlife Service, Chair
Don Bader ¹	Bureau of Reclamation, Vice Chair
Justin Ly	NOAA Fisheries
Michael Dixon	Trinity River Restoration Program, Executive Director
Mike Orcutt	Hoopa Valley Tribe
Brett Kormos	California Department of Water Resources/Fish & Wildlife
Tim Hayden ²	Yurok Tribe
Keli McElroy	U.S. Forest Service
Liam Gogan	Trinity County

¹Attended Day 2. Elizabeth Hadley served as primary for Day 1

²Kyle DeJuilio served as primary at the beginning of each day due to schedule conflicts.

Others in attendance: James Lee, Eric Peterson, Todd Buxton, Oliver Rogers, Elliot Sarnacki, Jeanne McSloy, Kiana Abel (TRRP), Elizabeth Hadley, Emelia Barnum, Derek Rupert, Lisa Navarro, Mary Lee Knecht (Reclamation), Nick Som, Conor Shea, Bill Pinnix (USFWS), Kyle DeJuilio, Chris Laskodi (Yurok Tribe), Heidi Carpenter-Harris, Patrick Flynn (Trinity), Radley Ott, Ken Lindke (CDFW), Justin Alvarez, Veronica Yates (Hoopa Valley Tribe), Roman Pittman (NOAA), Lauren Alvares (BLM), Chad Smith (Headwaters), Sarah Sheetz, Jayme Bayley, Emily Henderson, Kendra Costello, M. Bunce, Beverly Fickes, Andrew Johnson, Vincent Andrews, Cory Inouye, Francis Martin Costello, Stacy Land, Amy Bubenik, David Stone, Trent Tuthill, Keri Anderson, John Vorpahl, Keith Groves, Dylan Sacco, Jerilyn Smith, Josh Cozine, Jenna McKenny, Judy Bloom, Amber Elizabeth, Rose, Sie, Trinity, Deborah M., Kristen, Travis M., Steve, Mitch, Charlie, L. Valenzuela, Pine Cove Marina (Public)

Notes: Sabrina Kleinman (EPP)

List of Motions

Justin Ly moved to approve the March 2023 TMC Meeting Agenda.

Kyle DeJuilio seconded the motion.

Motion passed unanimously.

Justin Ly moved to approve the December 2022 TMC Meeting Minutes.

Keli McElroy seconded the motion.

Motion passed unanimously.

Justin Ly moved to approve the Science Plan portion of the Program Document and use it to guide the TRRP's science process.

Elizabeth Hadley seconded the motion.

Motion passed with seven votes in favor. The Hoopa Valley tribe was opposed.

List of Motions (cont.)

Brett Kormos moved for the TMC to adopt the hydrographs as recommended by the Flow Work Group as presented during the meeting.

Justin Ly seconded the motion.

Motion passed unanimously.

Liam Gogan moved to withhold the letter approved by the TMC in December to DOI until the June TMC meeting for discussion at that time.

Don Bader seconded the motion.

Motion passed with five votes in favor, two abstentions, and one vote against. The Yurok Tribe and the State of California abstained, and the Hoopa Valley Tribe voted against.

Mike Orcutt moved to accept the proposed bylaw changes as highlighted during the meeting with the exception of Sections 201(e) and 607(e) which change the TAMWG to TSAC, and Sections 603 and 604 on Voting Rules.

Liam Gogan seconded the motion.

Ly made a friendly amendment to replace “exception of” to “rejection and preclusion of.”

Mike Orcutt and Liam Gogan accepted the amendment.

Motion failed with four votes in favor and four opposed. NOAA Fisheries, the Yurok Tribe, the State of California, and the U.S. Forest Service voted against.

Justin Ly moved to accept all the highlighted changes to the bylaws presented during the meeting with additional edits to add to the TSAC edits *TSAC or other proposed equivalent entity if form*, with the exception of Sections 603 and 604 to be voted on separately.

Liam Gogan seconded the motion.

Motion passed unanimously.

Mike Orcutt moved to approve the proposed changes to Section 603 of the bylaws as highlighted during the meeting, with the exception of the last proposed sentence:

Five (5) affirmative votes are required to pass official TMC motions when six (6) or seven (7) members are present.

Liam Gogan seconded the motion.

Justin Ly made a friendly amendment to clarify that the excepted sentence could be taken up in a separate motion.

Mike Orcutt did not accept the amendment.

Liam Gogan made a friendly amendment to replace the excepted sentence with:

Seven (7) affirmative votes are required to pass a motion when all eight (8) members are present.

Mike Orcutt accepted the amendment.

Motion failed with two votes in favor. Reclamation, U.S. Fish and Wildlife Service, NOAA Fisheries, the Yurok Tribe, the State of California, and the U.S. Forest Service were opposed.

Justin Ly moved to approve the changes to Sections 603 and 604 as highlighted during the meeting.

Brett Kormos seconded the motion.

Mike Orcutt made a friendly amendment to only approve the changes to Section 603.

Justin Ly and Brett Kormos accepted the amendment.

The motion failed with six votes in favor and two opposed. The Hoopa Valley Tribe and Trinity County were opposed.

Liam Gogan moved that the bylaws state that seven affirmative votes are needed to pass a motion when eight members are present and six affirmative votes are needed when 6 or 7 members are present.

Orcutt seconded the motion.

The motion was not voted on as the vote would maintain the current bylaw voting structure.

Welcome and Introductions

Due to weather concerns, the meeting was switch to a virtual meeting. Sommer opened the meeting with roll call of the TMC representatives and entity-associated staff.

Approval of Agenda

Ly moved to approve the March 2023 TMC Meeting Agenda.

DeJulio seconded the motion.

Motion passed unanimously.

Approval of December 2022 TMC Meeting Minutes

Ly moved to approve the December 2022 TMC Meeting Minutes.

Keli McElroy seconded the motion.

Motion passed unanimously.

Public Forum on Non-Agenda Items

Emily Henderson, a member of the community, was concerned about Trinity Lake levels. There has been increased communication from the public about lake levels and Henderson appreciated the responses she's received from the Program. She would like to see the recent drought conditions considered as an adjustment factor for determining how much water to take from the lake each year. If the prior years were critically dry or dry, the volume of water removed should be decreased. Since Trinity Basin has experienced three consecutive dry years, could Reclamation consider a 90% adjustment rather than basing removals on the current year inflows. She asked for consideration of a sliding scale that takes previous years into account rather than the current year. The Basin is in a monumentally unique position as lake levels have gone down so far, which should be considered rather than the current year conditions. David Stone and Trinity agreed with her request. Trinity asked why there weren't adjustments to flows given reservoir levels and the environment. Last year was the driest on record and that has not been made up for in March. The lake level is low, and the rivers are dry. Trinity also asked why the meeting was not made public as the Teams meeting link was hard to find and she was aware of other people who wanted to attend.

Dixon explained a Winter Storm Watch in place on Friday, which changed to a Warning by Sunday. After speaking with Sommer, they decided to switch the meeting to a virtual format since 14 of the 16 TMC entities are not in Weaverville. The meeting information was changed on the TRRP Events page and the agenda. Staff also announced the change on the TRRP's social media and issued a press release to the Trinity Journal. However, the press release was not posted to the Journal by the first day.

Steve asked if there was a correlation between how Trinity Lake levels and the temperature of flows released from the dam. He was concerned that releasing so much water now versus waiting until August when the water is warmer on the river. He wished the cold water could be available for the salmon in July and August instead of now when the water is colder.

Dixon explained there was a correlation between reservoir storage and water temperature in the summer. However, at this time of year the water is the same temperature throughout. In late spring, the lake stratifies with the surface water temperatures similar to the air temperature and a cold-water pool below. The amount in the lake now is not a factor that contributes to the amount of cold water in the spring. He noted that management of the cold-water pool is an item that will be addressed as part of the reinitiation of consultation on the Trinity River Division. Public meetings are planned later this year for that effort.

Gogan asked if anonymous comments were allowed at TMC meetings and asked Trinity to provide their first and last name for the record. Dixon explained anonymous comments were not explicitly addressed in the bylaws but identifying each speaker would be helpful for the notes. Beverly Fickes noted the Brown Act allows for anonymous comments. Dixon explained the Brown Act did not apply as the Program is federal.

Jenna McKenny asked how low the Lake was and what was proposed for releases in the upcoming year. She was concerned about lake levels compared to lakes in other parts of California and asked how the number was determined. She had researched inflows and snowpack and did not think the numbers were adding up based on water flows in other parts of the state. She thought the water should be retained rather than just releasing it because it was a wet year. Ly explained the ROD for the Program was for releases to Trinity River while most releases were diversions to Central Valley, which are not under the ROD.

Travis M asked if the Program ever considered modifying current release rates when there were consecutive drought years and noted that releases could lead to no water in the lake and no water for release, which would be catastrophic for wildlife and the local community. Dixon explained the allocation determination would make it impossible to drain Trinity Lake. Looking at the capacity of Trinity Lake, the amount of water released during a critically dry year relative to inflow is small enough, and in every other water year type inflows significantly exceed river releases, making it nearly impossible. The majority of releases during the drought supported Central Valley operations and not Program releases.

Dylan Sacco, who owns property in Trinity Center, asked why the TRRP does not plan its water allocations in the same way as the Sacramento River, which uses water banking this time of year to save water until July through October when temperatures are elevated, to keep the water cool when its warmer. Dixon recommended a one-on-one conversation but explained the TRRP is focused on juvenile salmonid habitat, which is limited in the winter and spring before the fish leave the river for the ocean. The summer flows are set much higher than would naturally occur based on holding temperatures needed for spring Chinook. The Sacramento River manages flows for winter run Chinook. The TRRP is required to keep flows at 450 cfs due to temperature obligations intended to protect adult salmon. Releases above that would be more unnatural and harmful to the Trinity River aquatic environment. Henderson asked if the temperatures were also part of the reconsultation. Dixon stated they were and that members of the public could contact him to be added to the reconsultation contact list for the Trinity River Division.

Amy Bubenik asked if the Program was considering this year as critically dry. Dixon explained the water year is determined by the April B120 water year forecast issued by CDWR (California Department of Water Resources). Current inflow predictions were close to 1550 kaf, which would be a wet water year. However, the official call for the water year is not made until April 10.

Henderson noted that while the Lake will never be drained, the current process and this year's potential releases would leave the northern portion of the lake completely dry. The economy in the region has been impacted by the recent drought. She asked the TRRP to consider basing releases on the cumulative effect of three prior years rather than the current year to allow the lake to refill in the northern end.

Mitch asked what the Program considered a success given it has spent close to \$300 million over the past 20 years and fishery run size estimates have progressively trended downward since the implementation of river restoration since 2000.

Jerilyn Smith noted the marina at Trinity Center was extended two years ago and still does not reach the water. DeJulio directed Smith to the U.S. Forest Service as the TRRP does not manage recreation. Smith added that the TRRP needs to be in the community more, such as holding a town hall meeting rather than one-on-one discussions where they can control the discourse. DeJulio stated the public could comment on CVP operations, including Trinity Reservoir diversions, during the 10:15am agenda item and during the hydrograph discussion at 1:15 pm.

Jenna McKenny asked why the Program released water now while rivers are raging or completely blown out rather than when it could be more useful later in the year. Temperatures should be well below 60°F this time of year and therefore the Program should not need water from Trinity Lake. DeJulio explained the TMC did not have the authority to change water volumes released to Trinity River, diverted from the Reservoir, or held over for storage. There is currently an Endangered Species Consultation between Reclamation and NOAA Fisheries where these issues could be addressed. TRRP staff would also be happy to explain how to engage in that process, which would be more effective at addressing these concerns.

Vincent Andrews stated he has had to launch his boat at the north end of Trinity Lake off gravel ramps about a ½ mile downstream from the Trinity Center Ramp for the last few years. He asked if there were any plans to extend the ramp temporarily to the expected water level. DeJulio and McElroy directed his question to the U.S. Forest Service. McElroy noted the extended ramps at Minersville were a priority but was unsure if the same could be done at the north end. She asked Andrews to email her, and she would pass along the questions to the Sara Acridge, District Ranger, and Recreation Program Manager for a response.

Report from Executive Director

Organizational Updates

Chad Abel left the Program for a position with the U.S. Fish and Wildlife Service and Brandt Gutermuth retired. Both positions are currently vacant and pending recruitment. Kevin Held's

old position has been reclassified as a public affairs specialist and will advertise soon. Kiana Abel will be detailing in the position for the next 120-days or until filled. Because of recruiting challenges with locality pay, the Gutermuth's natural resources specialist position will be revised as a developmental GS 9/11/12 position. Lee will detail as the Implementation Branch Chief and Peterson will serve as the Science Coordinator for 120-day detail to keep both positions on track. Buxton is also serving a part-time detail with the San Joaquin River Restoration Program.

FY23 Budget Updates

Dixon has a meeting next week with the landowner of the River Acres House to discuss a potential sale of the property. The Program will present the current appraised value. Sale of the property is being explored as the landowner is not interested in a flow easement but was open to the idea of selling the property. There is money in the FY23 budget for the property, which may need to be redistributed to the FY24 budget if negotiations with the landowner last beyond September.

The Yurok Tribe received outside funding for Oregon Gulch. This includes \$3.99 million from California, \$858,000 from Reclamation for drought mitigation, and \$735,000 from USFWS in Bipartisan Infrastructure Law funds. Dixon will work with the Yurok and Hoopa Valley Tribes to revise the construction schedule and cost estimates. This will result in a surplus of FY23 funds and the TMC may need to reallocate them as part of the June TMC meeting or during a special meeting.

The Program received approval to pilot the use of multi-year funding agreements (MYFA) in lieu of annual funding agreements. This process could make budgeting simpler for both tribes for recurring activities and provide better assurances and parity for them, similar to agreements the state and county benefit from.

The President's FY24 budget proposal for DOI was released, which includes proposed funding for the TRRP. Outside of USFWS funding, the Program anticipates a modest reduction of \$347,000. As Dixon conducts his annual budget meetings with each agency, he will work to identify priorities for each agency to address the reduction.

Watershed Restoration Grants

Full proposals were recently submitted to NFWF for four projects, which have been sent to the application review committee. The committee will review the proposals in April and awards will be issued in May. The final projects will be presented to the TMC once NFWF has made its funding decisions.

Phase II Implementation Review

InterFluve is behind on its deliverables and the Program has agreed to a delay with them. They will still present their initial findings report to the IDT in late spring, with the draft Final presented to the TMC in June. Dixon is working with contracting to get the schedule back on track as the initial retrospective report was scheduled for delivery some time ago.

Implementation Update

Sky Ranch

The USFWS's updated timeline for the land exchange at Sky Ranch now estimates it will be completed by the end of December. TRRP had planned to start NEPA for the project later this year, but it is now put on hold as the BLM, who is a partner, does not want to start public scoping until they have the land title. Dixon plans to pivot focus for next year's project to Upper Connor Creek and plans to present the updated channel rehab plans to the TMC in June.

Oregon Gulch

After three critically dry years, recent storms have increased water at the project site which has elevated the ground water table and caused frequent floods that affect access. The Program is revising its construction schedule for after the recession of the spring hydrograph. They still plan to complete the civil construction work this calendar year with revegetation following afterwards.

Upper Connor Creek

The Design Team is adapting the value engineering study and working on a 60% design for the selected alternatives. This project may also become the focus of next year's channel rehab project.

Sawmill Gravel Processing

Sawmill now serves as the main source of fish rock. The Program is working on a close-out design for the permitting process, which will dig into the floodway and require FEMA approval.

NEPA Document Development

The Program continues its development of an EA for a handful of new gravel augmentation sites. A Public Draft EA for gravel augmentation will not be released until the summer. For the programmatic EA for watershed restoration work, the Program plans to release the public Draft EA in the summer or early fall. This EA should make restoration work conducted by partners easier to conduct.

Gravel Augmentation

Placement of gravel for 2023 will finish tomorrow in anticipation of the high ROD flows. Next week the Program will start mobilization at the DWR site, which Buxton will present on later. Smith asked if augmentation will be done at the Cableway site, noting the hatchery site was not included in the proposal and needs attention again. Buxton explained Cableway would be included but was delayed due to weather. Smith asked if the gravel was coming from Chapman or Sawmill. Buxton explained it would be from Sawmill and would explain more details later.

Outreach

The Program has been actively reaching out to the community thanks to Abel's efforts in developing materials and planning events. The Wild and Scenic Film Festival was a success last weekend, and many events were planned with the Trinity County Resource Conservation District, which has recently hired Duncan MacIntosh.

Dixon recently sent out the 2021 Annual Report, which uses a story map format. They are currently working to complete the FY22 report, which should be released shortly.

The Program has submitted two articles for publication: one on Oregon Gulch and another on flow variability. The Trinity Journal has also featured several articles in the last quarter on the Program. Science on Tap continues to be a popular event with recent gatherings of over 300 people. They have a full line-up planned for the rest of the year.

Science Update

Lee is working to rebuild the Science Advisory Board (SAB) and has prepared a draft recruitment notice and solicited the IDT for input. He is working with the two current SAB members to finalize and post the announcement soon. The IDT will meet to review applicants and make a recommendation to the TMC.

The IDT formed a sub-committee to draft a statement of work for a limiting factors analysis. The IDT would like the selected contractor to develop a study plan with TRRP input. This should result in an objective product that uses Program knowledge. Once the study plan is complete, the contractor would implement the study plan. The IDT decided to pair the two components together in one contract. The study plan and implementation components are expected to take a few years and the IDT did not want to delay the implementation portion through an interim contracting step. Lee is working with Financial Assistance to see if the RFP could be routed through the existing NFWF contract. In the meantime, the Fish Work Group is developing a draft life cycle model to guide the analysis, which would also be updated under the study plan. Once the IDT finalizes the scope of work, Lee will provide it to financial assistance.

The FY23 Science Plan projects are funded and underway. The SAB reviewed four proposals and recommended funding three while holding off on funding for the last pending additional revisions. The fourth project, focused on Chinook egg survival, updated its scope of work to remove an extensive initial data review and has now been funded. All projects are aligned with identified research priorities. Costs for the projects are also less than allocated funding.

The temperature synthesis report is in final edits along with the coarse sediment report, which will guide future gravel augmentation work. Reports on streambed disturbance, last year's hydrograph impacts, CDFW's escapement and run size estimates, and updated aerial photography data have all been posted to the website. The Dutch Creek post-implementation report has been posted while the Chapman Ranch report is in final edits.

Due to the time given to public comments, work group updates were not given. Members can review them in the Executive Director's report.

CVP Operations Update and Reinitiation of TRD Consultation

Hadley gave the update on lake level projections and on the Trinity River Power Plant work. The current draft projected reservoir elevations with predicted diversions are based on the March 1 inflow forecast and is currently out of date. The March 1st report paints a different picture as precipitation ended up greater than expected, so levels should go up in an updated report. Peak

Trinity Reservoir storage was estimated at 1162 kaf by the end of May and 965 kaf at the end of October, which is the lowest anticipated level. Hadley expects the numbers to be higher in the April report.

Shasta Lake peaks at 4407 kaf. Reclamation is currently pulling water into Whiskeytown from Trinity through the Carr Power Plant. Spring Creek is then used to pull water from Whiskeytown to Sacramento. Such diversions are expected to be minimal this year due to the need to conserve storage at Trinity. Currently diversions are projected at 100 kaf, and are projected even lower because diversions may not be needed in April to fill Whiskeytown due to natural inflow. For comparison, Reclamation diverted 252 kaf in 2022, 640 kaf in 2021, and 811 kaf in 2020, so 100 kaf should be minimal. Dixon added that the projections also include a 36 kaf allocation for Lower Klamath River augmentation, which is less likely this year but are still included in the release estimates just in case.

Reclamation has been diverting water necessary for release to the Trinity River around Trinity powerplant because of the bulkhead project, which will be done this week. They are also working on Trinity Unit 2, which will go back online by Saturday. Releases should go back through the power plant once work is completed.

Hadley announced that Reclamation received \$69 million in funding for the Trinity River Fish Hatchery, which Rupert will be spearheading. They also received \$15 million for work at Livingston Stone. Knecht posted the news release for the Trinity Power Plant: [Reclamation refurbishes intake structure at Trinity Powerplant \(usbr.gov\)](https://www.usbr.gov/press/2023/03/30/Reclamation-refurbishes-intake-structure-at-Trinity-Powerplant-usbr.gov/).

McKenny asked how every lake in the area was full while Trinity Lake was only at 50%. Lee explained the other reservoirs have larger watersheds in proportion to their storage volume and many received more precipitation than Trinity. DeJulio explained the projected inflow to Trinity Reservoir for the water year is 1.55 million af, while potential storage is 2.45 million af. This means that even if no water was diverted or released to the river the lake would not fill from run-off this year.

Reinitiation of TRD Consultation

Dixon hosted an interested parties meeting recently and has held internal conversations with Reclamation and the tribal co-leads. They are developing alternatives and a proposed action for NOAA. They plan to hold the final interested parties meeting for Trinity at the end of April in Weaverville. During that meeting they will present conceptual alternatives. The Draft EIS is planned for public review in mid-late summer and will submit the BA to NOAA soon after to start their BO process. The alternatives will address:

- Appropriate storage for Trinity Lake and how to manage across drought years.
- Appropriate temperature objectives
- Structure/timing of releases to meet Reclamation's obligations under the ROD and ESA

Ly added that the Reinitiation will provide an opportunity for NOAA to work with Reclamation to address drought concerns. During the drought, Reclamation diverted water and he did not

want to see Upper Trinity blame the TRRP for reservoir conditions. It is one Basin, and everyone should focus their attention on meeting in-Basin needs during the reinitiation process.

Orcutt asked Reclamation to explain how they handle diversions, how they are used for fish restoration, and how those might change under the reconsultation effort at a future TMC meeting. Since the ROD, the Program has had full access to restoration volumes while Reclamation has had discretion on how to handle the remaining volumes. There's been a lot of water this year and Reclamation has made their contractual water delivery announcements and they've conserved the water despite what the law says. The priority should be in Basin utilization with water outside it to restore and maintain the fishery. Court decisions have directed diversions to take priority over water use. Reclamation does not consider use just because it's a wetter year and instead averages those needs over time, while the fisheries must release their portion each year. He noted that the volumes considered under the reinitiation assume those for the ROD and the 2017 Lower Klamath FARS, but not the Proviso 2 volumes for Humboldt County. He would like to hear if Reclamation's response to how the water will be accounted for as Hoopa Valley is a beneficiary of that water. Hadley will make a request to the CVO for the requested presentation but noted that Reclamation is still discussing how to address the Proviso 2 water. Dixon added there is a meeting planned with Humboldt to discuss the issue.

Smith stated the TRRP needs to account for the management of the river and the lake and how it affects people in the county. Trinity has a new extension on its ramps, but even with higher flows, there are fishing guides that can't fish. Fly fishing is open and she works for one of the RV parks and they've had major declines and its why a lot of people think the Program should engage with people more rather than through one-on-ones. She asked if the Lake would fill enough to reach the ramps at Trinity Center. Bubenik explained Trinity Lake would need to be at 2300 before the boat ramps would be available based on the TRRP chart.

Henderson noted many folks are new to engagement and voicing their concerns. Lake levels are dire and thanked the TMC for having patience with the public as they figure out who the decision makers are for the release schedules. DeJuilio explained the TMC decides the release schedule for the river, but not the volumes to release.

Ly asked when the public should expect the EIS for review and when NOAA would receive the BA. Dixon stated his understanding that Reclamation hopes to release the EIS in late summer, but it will depend on a lot of other factors outside the TRRP. Because of the relevance of the storage, temperature, and flow management topics to the Trinity Lake and River communities, TRRP intends to make the Draft EIS well noticed when available, hopefully in mid-summer with announcements on social media and throughout the area.

McKenny asked how the public could see the updated lake level projections when complete. Reclamation will post them online and on social media when they available in mid-April.

BREAK

Review of TRRP Science Plan

Chad Smith presented on the development and history of the Refinements Process, the Program Document, and the Science Plan. Lee asked the TMC to approve the Science Plan to avoid similar issues the TRRP ran into with the IAP (Integrated Assessment Plan). The IAP was never approved and while some parts were used for various needs there was no clarity on how to use it. Smith would like to see the TMC move forward with the Science Plan and the Program Document. Currently the Science Plan is complete while there are still lingering issues and needs before the Program Document is ready. Reclamation is extending Headwaters contract for a few months to allow for additional Program Document Development Committee (PDDC) meetings to address these issues, with the intent to present the Program Document to the TMC in June.

The issues remaining for the Program Document include clarifying the role of the TMC, changes to the TMC bylaws, conflicts of interest, set-up and approval of a stakeholder advisory committee, and reforming the SAB. The Science Plan can help with a lot of science work in the Program now. The Science Plan will help focus the budget and discussions on science priorities. Lee explained the Plan is essential for implementation of the Program. The main concern is how to update the priorities and key information in the Plan as new information becomes available. Lee and the IDT recommend that the TMC adopts the Science Plan portion of the Program Document and use it to guide the TRRP's science process.

Som added the Plan does not set a singular road for conducting Science but makes sure the Program is looking at options and getting on the right road by incorporating new knowledge and asking important questions. DeJuilio noted the process was important for Program scientists to have a common vision for Phase III, with many components providing effectiveness and consistency, especially for the annual planning process. It's something the Program has struggled with, and the Plan will ensure the scientists are more consistent and moving toward priorities they all agree on. Gogan added it was interesting as a non-scientist to work with the scientists and hear them explain their theories and methods. Darcy did a good job of supervising the Development Committee, syncing and correcting discussion, and coming back to items to make sure everyone understood. He appreciated Som playing the devil's advocate, which helped him understand what was science and what was guesswork.

Lindke thought having Gogan's endorsement of the Plan was valuable. Lindke has been with the Program for over six years and was surprised at the shot gun approach the scientists used to leverage the science to inform management. While good things came out of it, it was not focused. The Science Plan is a huge step in the right direction to rally the troops around a common vision about the Program's understanding, where the Program's been, and where they need to go. The Plan is also specific on how to bring in new information from inside and outside the Trinity Basin for decision-making and learning going forward. He hoped the TMC would endorse the Plan and adopt it for use as an official document moving forward.

Orcutt explained the Refinements process started after the two Tribal Councils approached the DOI Regional Directors in 2017 to ask for an evaluation of the TRRP. The process has evolved

over time with the development of the Program Document and the Science Plan. The TMC was asked to act in September on the Program Document, but that meeting was canceled and the DOI was supposed to meet and address the disconnect between the DOI agencies, but he has not heard the results of that discussion. When Orcutt brought up the issue at the last PDDC meeting as the trust beneficiary, it wasn't addressed. The issue may have been discussed during Day 2 of the December TMC meeting. Orcutt is a representative of the Hoopa Valley Tribe at the management council level and other government-to-government fronts to help discharge the government's trust duties to Hoopa Valley. The Program Document has not made progress as of late. Hoopa Valley proposed a Law of the River for the Trinity, similar to what was developed for the Colorado River, but it was edited, modified, reedited by the Solicitors, and was so watered down that it no longer resembles the initial proposal. The TRRP is defined by statutes and court decisions from the past 50 years, with several issues left unresolved until they went to court. All those items are important to include. Since the tribes were the ones that initially proposed the need for Refinement of the TRRP, outreach to them is needed to finalize the Program Document.

Going back to the Science Plan, Orcutt was aware of the document's development, but felt there were still some big disconnects to address, such as disconnection between the hatchery programs and the restoration program and other in-river activities. While Reclamation will be working to modernize the Trinity River Hatchery, there is still no management structure and no interaction between those two programs. Additionally, the issue of nutrient availability was raised as the precursor for the winter flow variability now being implemented. But Orcutt remembered when that idea first emerged as something really important and advised the TRRP to take a step back and look at all the information and before taking a path forward. He thought the Program Document should be completed, vetted, and understood first before addressing the Science Plan. He asked if there was an urgent need to get the Science Plan approved given that the Refinements process has been underway since 2017 and has suffered from budget attrition and uncertain starting and ending points. Hoopa Valley is interested in a fair shake at both documents, even if that means going to the Regional Director Level.

Dixon acknowledged that the Science Plan was formatted as part of the Program Document and that both documents had an impressive amount of work put into them. The Science Plan is the closest the TRRP has come to defining how science influences their management and its application since starting over 20 years ago. While the Program Document is not as far along as the Science Plan, Dixon did not want the TMC to throw the baby out with the bathwater as the Science Plan would be valuable for the Program moving forward.

Ly agreed and noted that all previous plan equivalents are now outdated. The Plan was developed by TRRP experts, and he did not think it would be good to wait for the Program Document since it has been challenging to get agreement from the PDDC members on the remaining issues. All folks should consider compromises to get the Program Document completed. But holding on to the Science Plan until the Program Document is ready could hold it

back from months or years. The Program can make progress on the science and the team has worked hard to identify the priorities and the limiting factors it can pursue now. He likened it to a building damaged by an earthquake. Funds are available to restore the building and teams are working to address the earthquakes themselves. But you don't wait to restore the building until the earthquake issue is resolved. Right now the river ecosystem needs flows and that is something the Program can address now while working on how to resolve the Program management concerns.

Orcutt agreed but noted that the Tribe is looking at a situation where there are 300 fall Chinook for 3600 tribal members. There are many reasons why this process has taken 7 years already. Ideas would be raised and then never discussed, such as conflict of interest. There is a big push to try to do something to help the populations. Fall Chinook are a prominent species and there are numbers of factors that affect their populations. Steelhead and coho are others and the Tribe thinks it would be beneficial to coordinate hatchery responsibilities with the TRRP. Those are things that can be addressed and Orcutt would rather put those building blocks in place than the others. The IAP was never approved and the Hoopa Valley Tribe wanted to put it up for discussion but it was always delayed. Orcutt found Ly's analogy inappropriate as there are important policy implications that need to be in place that will affect the Science Plan. He saw this as an opportunity to develop viable solutions that will allow the Program Document and the Science Plan to fall into place at the appropriate time.

Ly moved to approve the Science Plan portion of the Program Document and use it to guide the TRRP's science process.

Hadley seconded the motion.

Orcutt was opposed to approving the Plan as it was being implemented anyway. Hoopa Valley will meet with the Regional Directors to pursue it at that level.

Hayden asked when the Program Document would be finalized and ready for TMC approval. Sommer explained the DOI was adding time and funding to Headwaters' contract to address the remaining issues through additional PDDC meetings. Dixon added that the contract was extended through June. Hayden asked if the Document would be peer-reviewed. Lee explained that both documents were reviewed by the TRRP but were not slated for review by the SAB.

Gogan asked what was holding up the PDDC as the Science Plan Committee had also had several issues to address. Orcutt explained that there were several issues, such as conflicts of interest, management structure, the TSAC, and the bylaws. He thought many of those issues were beyond the scope of the TMC's authority. For example, the structure of the TRRP and the decision-making process. He noted the Joint Directorate document, which addresses the standing of the Tribes on the TMC, which is beyond the TMC's scope to address. Such decision should be at the Regional Director's level.

Smith added that the remaining issues were the more difficult issues to address. There are also issues with the language about the TMC's role versus DOI's authority. He explained the Law of

The Trinity is an appendix in the Program Document but was a hard to put together. While the Law of the Colorado was noted as a model, it does not really exist and what was developed in the Program Document was provided by the Hoopa Valley Tribe. He has been working on the conflict-of-interest issue. The TRRP is different than other restoration program as all member organizations sit on the TMC and have scientists who work directly on implementation. While the science planning process provides some separation, the annual budgeting process has individual entities benefitting from TMC money to pay salaries for those working on the Program. The issue is not one to fix, but they can provide guidance on how to address it. Smith plans to address it at the PDDC meeting in April, and again in May. He did think there was value in finalizing the Science Plan and it should not be contingent on getting the Program Document done.

Orcutt reiterated that the policy implications need to be addressed and while time and funding have been added it is still a short timeframe to get it done. He recommended full participation at all levels for the decision-making process for the Program Document. He thought the added time with a renewed commitment was a good thing.

Motion passed with seven votes in favor and one opposed. Hoopa Valley opposed the motion.

LUNCH

Water Year 2023 Spring Hydrograph Recommendation

Lindke, the Flow Work Group Coordinator, presented the recommendations for the spring hydrograph and the modeling results for the proposed options. Current drought modeling for the Trinity Basin from mid-March shows moderate drought conditions. The Basin has not received as much precipitation as the Sacramento River Basin and the Sierras, but conditions have dramatically improved. However, the climate conditions are not likely to hold into the future. Projections for Trinity River inflow, based on CNRFC (California-Nevada River Forecast Center) daily updates, are a little over 1500 kaf. A wet water year determination is based on inflows between 1350 – 1999 kaf. The Flow WG remains confident that the projections indicate a wet water year based on current volumes.

Official allocations, however, will be based on CDFW's B120 report's 50% inflow projection, which is not updated as often as the CNRFC data. The last update was on March 23, which predicted close to 1595 kaf. Despite the wet winter, that inflow is only 120% of the long-term average and is why Trinity Reservoir has filled slower than others in the state. Also, the Trinity Lake catchment is smaller than others in the state relative to storage capacity and has received less rain. Things are good, but not as dramatic as seen elsewhere in California. There is still time before the final water year determination and conditions are above average for early April, which means more water is still expected. Overall, everything is pointing toward a wet water year determination.

The Flow Work Group considered hydrographs for both Wet and Normal water year determinations. As part of that development, they also outlined specific water year-based objectives as outlined in the ROD. The spring release will begin on April 16, when the implemented elevated base flows end on April 15 and all the proposed hydrographs will offer a seamless transition between the two to prevent reductions. Specific requests include the hydrographs using slower ramping rates to meet other objectives and the Fish Work Group asked for flows below 1500 cfs by mid to late-May before lowering to baseflow by mid to late June to improve conditions for juveniles. The hydrograph should also maintain flows between 600 and 1000 cfs between March and June for hatchery releases. The BMI study requested maintaining flows below 2000 cfs to prevent equipment loss and to allow for continued measurements. To meet that, the hydrograph could use 2000 cfs benches between its proposed pulse flows. The final request was from the Fish Work Group to use diurnal fluctuations.

Two hydrographs were selected for modeling for the normal water year scenario. They were selected as they were the two that were the most different from each other. Model A has two peaks instead of one at 11 and 10 kaf, which will accomplish geomorphic work. The first peak will mobilize the bed while the second will move the material. Studies indicate that two peaks are more productive for geomorphic work. In contrast, the sustained bench from the ROD hydrograph has diminishing returns when elevated for sustained periods. Model A then has a rapid decline to base flow with two bumps in July to encourage spring Chinook to migrate upstream to their holding habitat where temperatures are more suitable. Model B has a lower geomorphic peak with periodic pulses in the receding limb to discourage egg deposits by frogs.

Modeling for the two normal proposed hydrographs show slightly better performance than the ROD hydrograph for fish biomass and number of fish. However, the margin is low and likely not significant. The Flow Work Group has noticed limited contrast between most of the hydrographs in the S3 model and they plan to look into it in the next year. It's uncertain if the differences are substantive and could indicate model limitations.

The proposed hydrographs do show a little more violation of the temperature targets than the ROD hydrograph. However, monitoring indicates that most of the years are similar, with only two normal years showing large differences between the ROD and proposed hydrographs. The proposed hydrographs do have fewer negative deviations with more positive deviations. This is because they both return to base flow earlier to return to the optimal temperature range. However, the results are very similar.

For the yellow legged frog results, the ideal is to have higher survival percentages and earlier dates for metamorphosis. Both hydrographs performed better than the ROD hydrograph for survivors and early dates, but there is not a strong distinction between the two. The results with the biggest contrast are for riparian recruitment and bedload transport. Ideal results would allow for more recruitment and higher bedload transport. Geomorphic work is less of a priority this year based on the recently published habitat synthesis report that shows a good amount of juvenile habitat with less available downstream. Geomorphic work is intended to shape the

channel and improve habitat for juvenile fish, but the lower river has had decent flows from natural tributary events, so there is less concern on that objective. In terms of recruitment, the TRRP has not been able to address recruitment at higher bank elevations in recent years. Model A showed better results for riparian plant recruitment than Model B, and thus Model A was selected for the recommended hydrograph for a normal water year determination.

For the wet water year, two hydrographs were also selected for the same reasons as the normal water year. Model B does more geomorphic work with a quick return to base flow. It also has two peaks on the receding limb for spring Chinook. Meanwhile, Model A has a single peak at 11,000 cfs and returns to base flow later. Modeling also showed similar results for fish impacts and temperature objectives as the normal water year hydrographs, but Option B was similar to the ROD for fish production. Both had higher violations for temperature objectives than the ROD, and both showed similar results for the juvenile rearing targets with slightly warmer conditions, which are by design. The results for frogs were also similar to the normal water year hydrographs with both hydrographs outperforming the ROD. The biggest contrasts were in riparian recruitment and bedload transport. In this instance, Model B had higher potential for riparian plant recruitment and higher bedload transport. As a result, Model B was selected as the recommended hydrograph for a wet water year determination.

Public Forum

McKenny asked if the drought was taken into consideration for the flow releases to restore lake levels or if precipitation was the only factor considered. Lindke explained the TRRP has no authority to change the volumes released. The Program is tasked with releasing a certain amount of water based on inflows. Right now, projections estimate inflows of close to 1600 kaf. If the water year is wet, they will release a total of 701 kaf, or a little less than 50% of the inflow, to the river. If the water year is normal, they will release 647 kaf, or 40%. The long-term average is that a little over half of the water in the reservoir is lost to other impacts, such as diversions and evaporation, so less than half is allocated for river releases. He believed the issue was a legal one for Reclamation to consider.

Dixon added that the ROD does grant the TMC authority to base their recommendation on subsequent monitoring and studies for scheduling water releases for each year's hydrograph, but that the annual volumes cannot be changed. The public were advised to provide their concerns as part of the current reconsultation so Reclamation could rethink its reservoir management. Hadley added that the TMC's recommendation is presented to the Regional Directors after the meeting, who make a recommendation to the Secretary of the Interior. She was not sure if they had the discretion to release less than the ROD, and thought it was a higher-level discussion for DOI.

Kendra Costello asked if the hydrograph could change from a wet water year to a normal water year if the area did not receive any more precipitation for the rest of the season. Lee explained the water year determination is based on CDWR's April forecast. Once it's determined, it does not change. He advised checking the TRRP website to get a sense of how accurate the prediction was during previous years. Usually, the determination has not been less as most of the

precipitation falls before April, while some years they have received more after the B120 is released. Dixon explained the CVP Improvement Act directed the DOI and the Hoopa Valley Tribe to prepare a flow study for the Trinity River. Based on that study, DOI would implement a new flow regime. That study led to the EIS and the ROD, which was signed by Bruce Babbitt, Secretary of the Interior, in 2000. Congress then directed Reclamation to use a minimum set flow for the river. If DOI agreed, another flow could be used based on the study's recommendation. Both parties have specified that the TMC can, based on science, adjust how the flows are released, but they cannot adjust the volumes. Only the Secretary of the Interior can adjust them.

McKenny asked if the only determinant of the flow volumes was the water year determination. Lindke shared McKenny's concerns as lower lake levels have bad implications for fish in the river. However, such adjustments were beyond the scope of the TMC. Henderson asked if members could share the meeting information for April where Reclamation would discuss management of Trinity Reservoir.

Inouye asked who made the water year determination and if the flow volumes were the same annually. Abel explained CDWR makes the determination when its April B120 report is released on April 10. The current minimum projected flow, based on the CNRFC, is 1410 kaf, which is within the wet water year determination with no chance of a normal water year determination.

Amber Elizabeth asked how precipitation was measured in the area to determine precipitation. Lindke explained CDWR relies on data collected by other agencies. Most is a combination of remote sensing with physical measurements at established stations to calibrate the remote sensing models. Ott added that CDWR's hydrology group, along with other partners, maintain a series of stream gages and snow pillows in the area to inform its forecasting. Lee advised inquiring at the Watershed Center at Hayfork, such as Josh Smith, who can provide more information on snowpack surveys. DeJulio also posted links to the CDWR rain gage data (<https://cdec.water.ca.gov/reportapp/javareports?name=RealPrecip>), snow measurements (<https://cdec.water.ca.gov/reportapp/javareports?name=COURSES> and <https://cdec.water.ca.gov/reportapp/javareports?name=SNOWTAB3>), and Trinity Reservoir inflow estimates (<https://www.cnrfc.noaa.gov/ensembleProduct.php?id=CEGC1&prodID=9>). Dixon added that the snow surveys were used to fill in data from automated stations and remote sensing models. Remote sensing is less effective at determining the snow water equivalents, so the USFS Watershed Center has a volunteer team who gather manual measurements to improve the resolution of the modeling. Buxton also noted the B120 reports include an explanation of how the results are derived ([B120DIST \(ca.gov\)](https://www.b120dist.ca.gov)).

McKenny asked who the public should talk to about changes for Trinity Lake levels. Dixon explained the amount of water released is fixed for the TRRP. Anything beyond that is managed by Reclamation's Central Valley Office (CVO). Those operations, however, are being reanalyzed and will be available for public comment this summer. The TRRP will help disseminate the information so the public can weigh in. McKenny asked if there was anything the public could do for the current year. Dixon explained Reclamation plans to only release water

to maintain temperatures on the Trinity, but there was not much the public can do to change that as it within the purview of Reclamation. Knecht referred the public to Reclamation's website for information on the Reinitiation of Consultation, which includes details for April's meeting (www.usbr.gov/mp/bdo)

Tuthill asked if the 120 kaf of water released under winter flows was accounted for in the hydrographs. Lindke explained the current winter flows are noted at the start of each of the proposed hydrographs. The total amount of water released from October 1 to September 30 are the ROD water volumes. For wet years, the TRRP is allocated 701 kaf, which includes the 120 kaf. All the proposed hydrographs do not include any additional water for any water year determination. Peterson added that the hydrographs include all TRRP scheduled flows for the year including baseflows.

TMC Discussion

Gogan asked where the water for fall flows was allocated in the hydrographs. Dixon explained those flows are based on Reclamation's recommendation for the Lower Klamath. That water is budgeted outside of the TRRP's ROD volumes and are accounted for in Reclamation's end of month storage estimates. Reclamation assumes up front that they will have to release water from a planning standpoint. However, if the water is not released, it will stay in the reservoir. Overall, it is independent of the ROD allocations. Gogan asked if the pulse flows affected Trinity Lake Levels. Dixon explain they were in the monthly projections of Trinity Lake. If they are not done, the lake levels would be higher.

Kormos moved for the TMC to adopt the hydrographs as recommended by the Flow Work Group as presented during the meeting.

Ly seconded the motion.

Gogan noted the proposed hydrographs all had higher summer temperature objective violations. Lindke explained the temperature targets were for adult holding temperatures. The models look at the daily estimated temperatures between July 1 and September 14 and then add up all the degrees outside the target between that period. The result is a cumulative temperature exceedance for that period. Looking at the normal hydrographs, Model A only had 1.9°C of exceedances while Model B had 2.5°C. For normal water year temperatures, the model is based on five years of data, where three were similar to the ROD. For wet years in the model, the proposed hydrographs have only been higher than the ROD once, indicating that they perform identically to the ROD in most cases. Most of the violations are due to the receding limb of the hydrographs. As flows drop, temperatures increase, which increases the chances of violations. However, the estimated temperatures for Douglas City are still within the acceptable range for juveniles (max is 18°C) to provide sufficient food and conditions for growth. DeJulio added that the number shown is an accumulation of degrees over the target for a 72-day period. When viewed over that time, the impact is small, but the exceedance could be from one day or multiple days over the time. If the exceedance is brief, the fish are not impacted much.

Orcutt noted that while the pulses for spring Chinook are included, their migration is not monitored. Other results are modeled and projected, which could cover a wide range of objective needs. He noted that the annual volume diverted under the ROD is at Reclamation's discretion, and they average the numbers over time. If the full wet year volume is not used, Reclamation will divert it later. The TMC is afforded less discretion to protect fisheries, which should be the highest priority for protecting and conserving water and is an issue they want to address under the reconsultation.

Ly asked if Reclamation was planning to have separate EIS and ESA consultations for the TRD and CVO. Dixon explained the current goal was to have one NEPA process with two ESA processes.

Motion passed unanimously.

Lindke thanked the Flow Work Group for their work on the hydrograph recommendation, as it was under a shorter than usual schedule due to the development of the winter flow proposal.

2023 High Flow Sediment Augmentation Plan

Buxton presented the 2023 Gravel Augmentation proposal from the Physical Work Group. Gravel augmentation is done because the dams block sediment delivery to the river. Without the supply, the river would see widespread impacts. The current augmentation plan, Cableway-Fenceline Augmentation Plan, is posted to the TRRP website. Currently, the TRRP uses six available augmentation sites to introduce gravel to the river. Gravel placement is based on a mix of site visits, aerial photos, augmentation history, and channel behavior near the placement sites. For 2023, the TRRP determined that placement near the hatchery was not needed. The diversion pool there has been used for a long time, and there is plenty of gravel there in channel margins and in the floodplain. Sawmill was also considered but is unavailable this year. Lowden Ranch has been used extensively for several years and is full. This leaves the Cableway and Lower Lowden Ranch sites. The most recent augmentation for Cableway occurred in 2008. Since then, the downstream gravel bars have diminished, except for those near the middle of the site, which is comprised of larger materials and has a higher infiltration capacity. Augmentation at Cableway would replenish the downstream bars, which lack finer materials. Placement at the site is restricted to a small area. Overall, substrate at the site is very coarse and has degraded since the last augmentation, leading to a limited range of gravel sizes.

At Lower Lowden Ranch, augmentation is at the Fenceline site. At that location, the river has channel meanders with side channels and bars. Since 2019, riparian vegetation has colonized the bars because sustained base flows at 450 cfs allow vegetation to encroach on the channel. At lower base flows, the vegetation would dry up, maintaining the bar. Since dam closure in the 1960s, riparian encroachment has reduced the Trinity River by 50-60%, which prevents channel movement. The best tools to address this are high scouring flows and augmentation.

To determine how much gravel to apply, the team measures transport at Douglas City, which is considered natural for a dammed river. They then scale the transport rates with flows to

determine transport rates at specific locations to determine the volume. This considers the site conditions and the objectives for the augmentation. At Cableway, the augmentation volumes were less than 25-40% of recommended based on the hydrographs. For a wet year, the augmentation volumes are 200 to 300% less than recommended. This is because the Cableway site is small and there is only a brief window for placement. For the Fenceline site, the volumes needed are small and the objectives are focused on riparian vegetation removal rather than degraded bed conditions.

Based on these factors, the Physical Work Group recommended the following amounts based on the proposed hydrographs for TMC consideration:

NORMAL WATER YEAR			WET WATER YEAR		
Hydrograph	Cableway	Fenceline	Hydrograph	Cableway	Fenceline
	Calculated: Recommended	Calculated: Recommended		Calculated: Recommended	Calculated: Recommended
Model A	1362: 1000	1439: 1200	Model A	1480: 1000	1588: 1300
Model B	1195: 1000	1293: 1000	Model B	3419: 1000	3453: 1800

The screened fish rock is incorporated into bars for hyporheic flows for fish, frogs, and other biological needs. They initially considered trucking gravel from Chapman and Junction City until they learned they could access gravel stored and screened at Sawmill. They are authorized to truck the gravel from Sawmill, with an additional 300 cy of material at Lowden Ranch.

Work was scheduled to start at Cableway on Monday but was delayed due to weather. The operators plan to wait until conditions dry out and will restart on Thursday at Cableway. They will unload the material near the Lewiston Community Services District Building before placing along the river at Cableway. At Lowden Ranch, 300 cy of stored material will be trucked from the Upper Lowden site and placed near the existing bar. On April 10, the remaining 1800 cy will be placed in the channel over two days. An additional 300 cy of material will be transported from Sawmill to Fenceline to store for future placement.

The team will monitor to ensure turbidity stays below the water quality thresholds. Material is placed prior to the spring flows, which will over top the piles and move the gravel downstream. At Cableway, material will deposit on the existing skeletal bars and provide spawning habitats and elevated water surfaces during summer low flows. At Fenceline, gravel will move across the river to crush the vegetation and then move downstream. Last summer, the bathymetry from Lewiston to North Fork was measured with pre-placement elevation surveys that can be compared to changes from this year's placements to determine where the gravel ends up.

Shea added that the TRRP is also working on a new permit for additional gravel sites for the TRRP to use in upcoming years. The proposal is based on lessons the Program has learned from gravel augmentation over the past 15 years. Currently, there are a limited number of sites where gravel can be added and only a certain amount they can add to reduce water quality impacts. The new permit would expand the number of sites and allow more opportunities to improve habitat and sediment conditions. The Physical Work Group will develop plans this summer for more comprehensive efforts for adding gravel and identifying where gravel is needed or not.

BREAK

2023 Klamath Basin Run Size Projection and Seasons

Alvarez presented the Pacific Fisheries Management Council's (PFMC) fishing quotas proposed for the region. In 2022, the run size preseason forecast was higher than the post-season estimates with less fish showing up than predicted. The recreational harvests were higher than initially predicted. This could be due to the ocean harvest overperforming.

For this year, the preseason forecasts anticipate 26,133 fall Chinook, which is below the MSY target of 40,700. As a result, ocean fishing for all three alternatives call for a full closure for sport and commercial fishing off California while Oregon will only have fisheries open for coho. These will also use a credit card fishery, which will count harvests against next year's estimates. A credit card fishery was used last year for California, and there have already been 68 fish harvested against the 2023 season. As a result, Hoopa Valley and Yurok Tribes will be entitled to 68 fish to balance their shares.

For river fishing, the alternatives considered range from 1804 to 0 in allocations, with a decision anticipated in May. Alvarez noted the PFMC only has jurisdiction over the number of fish harvested in the ocean fisheries. The decision on fishing limits will be made by CDFW and he was unsure what the Klamath Basin in-river sport fishing quotas would be.

Alvarez also looked at the portion of age 2 fish returns by river to compare with the Trinity River. Jack returns split by Klamath and the Trinity fluctuate annually. Last year, the Trinity River did better than the Klamath, given the 2021 river conditions and how many fish died in the Klamath. However, looking at abundance there is little hope for a good fishing season in upcoming years. The biggest hope is a good water year with decision makers making good decision and managing ocean fishing. That could allow recovery in 2026 to repopulate the newly accessible sites in reaches of the Klamath.

Discussion

Kormos asked Alvarez to keep the TMC informed on the allocation for in-river sport fisheries. CDFW is finalizing its recommendation to the California Fish and Game Commission. If there is no sport fishery allocation, the State will pass the fish on to escapement for restoration purposes.

Orcutt observed that the process for the determinations has evolved and changed since the 1970s. In 1993, the Solicitor issued an opinion that recognized fishing rights by the DOI that were never quantified. The opinion went to court and resulting in the standards the PFMC must operate under. The tribal and non-tribal allocations should be noted as they are not congruent with the pre-dam TRRP estimates of 62,000 adult fall Chinook. Amendment 9 and Amendment 16 adopted the current harvest management rates. The MSY of 40,700 for the entire Klamath should be looked at by the TMC. The Fish Work Group has worked on metrics to evaluate those numbers, which may be considered as part of the reconsultation. Currently, the TRRP is mandated to restore pre-dam levels, which are based on fall Chinook. This year will be slim and

the tribes are looking at 1800 between the two, which will be low during a year where major ceremonies will be conducted.

Orcutt requested the TMC discuss the appraisal analysis requested by the TMC to improve temperature controls at Lewiston and whether that could be incorporated into Trinity Hatchery's recent \$69 million award. Sommer noted it was too late to add the agenda item as staff would need to prepare for the topic. Dixon added that Bader had publicly committed Reclamation to pursue a temperature control device appraisal study for the Trinity River Dam at one of the interested parties' meetings.

Ly and DeJulio asked the public attendees to share what encouraged them to attend the meeting. Andrew Johnson heard the meetings were a good way to engage with the TRRP. While some think the Program shuts people down from discussion, he saw staff listening and responding to comments. Kendra Costello recommended moving the meetings from Teams to Zoom to make them more accessible to the public. Inouye saw a Facebook link for the meeting. Beverly Fickes was directed to the TRRP website where she saw the meeting information for today. Jerilyn Smith always wanted to be involved as she has always been pushed into one-on-one discussions but Kiana Abel has helped connect her with Dixon more.

Ly noted the TRRP has a contracted organization that helps with outreach. Dixon explained they work with the Trinity County Resource Conservation District for public events and educational materials. Kiana has also increased the Program's use of social media following DOI's approval for the TRRP to operate a Facebook account. The Program has also fielded recent concerns about reservoir storage. Gogan added that residents of Trinity County could reach out to him and Carpenter-Harris as the County's TMC representatives, as well as Ric Leutwyler from District 1.

Adjourn for Day 1 3:51 pm

Day 2, December 17, 2020, 9:00am

Welcome and Non-Agenda Discussion

Sommer opened the meeting.

Public Forum

Fickes asked what the Trinity Stakeholders Advisory Committee (TSAC) was, what they do, and what a stakeholder was. Dixon explained the TSAC is proposed for now but is intended to reestablish a federal advisory committee for the Program. This body is appointed by the Department of the Interior with representatives for a variety of stakeholder interests. The previous body, TAMWG, was disbanded under the previous administration but the TRRP entities have agreed to re-establish it, with USFWS managing. He estimated it would take at least 18 months to implement. TSAC would have stakeholder representatives who are nominated for interests such as fishing, non-federally recognized tribes, boating, hospitality, and other groups who would advise the TMC on the TRRP's activities. The intent is to capture interests that may not be represented by the current TRRP partner organizations. Fickes asked if water people could

be part of the TSAC. Dixon explained water users and power districts would be represented under the current draft charter. Fickes asked if they could reinstate the TAMWG. Dixon explained the TAMWG could not be reinstated as their charter expired. Sommer added the USFWS has been delayed by staff turnover, but it is a priority.

TMC Discussion

Orcutt observed the fishery allocation discussed yesterday establishes a 50/50 allocation between tribal and non-tribal entities. However, the TSAC would be exponentially made up of stakeholders who do not represent tribal interests. Dixon explained the TSAC is not intended solely to represent the beneficiaries of the fisheries but for those who have a stake in the actions the TRRP implements. There are additional ramifications for residents, boaters, recreation, agriculture, and others whose interests are not represented elsewhere. The TSAC would give a voice to local interests as well. Kormos noted there were tribes that were not represented in the outcomes of the TMC and the group should not rule out the need for their involvement. Orcutt noted that was not what the statute says. The goal of the TRRP is to address the federal governments trust responsibilities for fishery management.

Smith explained the draft TSAC charter, which is part of the Program Document, is still being finalized and identified the following groups for representation:

- River recreation (fish, boating)
- Lake recreation (Trinity & Lewiston)
- Commercial fishing (Eureka)
- In-basin agriculture – water users, cannabis, timber
- Environmental organizations
- Power/utility companies
- Landowners in footprint of TRRP along Trinity River
- Norelmuk-Wintu
- Humboldt County
- At-large seats

Updates to TMC Bylaws

Dixon reviewed a number of bylaw changes were proposed by the PDDC. A copy of the original bylaws and an updated version with proposed changes highlighted are available on the TRRP website. The proposed changes either clean up items or address issues raised by the PDDC.

- **Section 201(c)** Operate as a governing board in making recommendations (decisions) regarding the program.
- **Section 201(e)** - Update TAMWG to TSAC
- **Section 201(j)** (new)- Identify opportunities and make recommendations or requests, as appropriate, to the appropriate leadership (e.g., regional director or state director) of the management or regulatory agency to facilitate the achievement of TRRP goals. (TMC can make recommendations to policy members to meet TRRP goals. There are other things that influence TRRP success. It's in the purview for entities to go to policy makers

- to comment on items not directly related to our work.)
- **Section 303** – may designate an interim representative authorized to speak and vote on behalf of the member organization. (Puts some onus on the agency to have stand-ins prepared to take action on the issues they're asked to vote on. Adds clarity and responsibility.)
 - **Section 305** – until the member organization in question has resumed regular attendance for at least two (2) quarterly meetings. (Specifies that it is two quarterly meetings needed to reinstate voting rights.)
 - **Sec 600(e)** - In-person participation at quarterly meetings is expected of all TMC member agencies. However, in the event a member agency cannot participate in-person, participation via telephone, video conference, or virtual meeting platform is acceptable. (Brings the bylaws into the modern age by recognizing participation by virtual means.)
 - **Sec 603 - VOTING RIGHTS, MAJORITY.** The TMC will seek informal consensus on all decisions with the intent of securing the affirmation of all eight (8) TMC member entities for setting Program policy, approving Program budgets, and generally making decisions for the Program. If informal consensus cannot be reached, votes on official TMC motions may be taken when appropriate. For the purposes of TMC decision-making, six (6) out of eight (8) affirmative votes are required to pass official TMC motions when all eight (8) TMC members are present. Five (5) affirmative votes are required to pass official TMC motions when six (6) or seven (7) members are present.
 - **Section 604** - Adjusts changes related to 6 of 8 super majority with absences and abstentions. Lowers the bar by one vote for each scenario. This forces people opposed to changes to work to build coalitions for proposed changes.
 - **Section 607** –and shall be conducted with opportunities for public input on each scheduled agenda items and as follows:
 - **Section 607(d)** - Report by Reclamation on the Central Valley Project conditions and planned operations. (It is a common practice to get updates on CVP operations. This would make it a routine and required business item. It also adds a TSAC Chair report. It is not an agenda item now because neither exists currently.)

Orcutt proposed offering motions for each section and noted that the stakeholder renaming may or may not happen since it was beyond the TMC's authority to address it since the previous administration disbanded the TAMWG. He recommended going through all the changes that been fully vetted and take the others individually.

Public Discussion

Fickes asked if TMC members needed to reapply or if they stayed on for the roles outlined in Section 400. Sommer explained the TMC votes on the Chair and Vice Chair when their terms are done. The agency representatives, however, are not term limited. Also, only representatives from federal agencies are eligible for the Chair and Vice Chair positions as stated in the bylaws.

Orcutt and Dixon added that the limitation was noted in the Implementation Plan of the EIS as well. Dixon noted the TMC could create other positions that would be open to the other agencies.

TMC Discussion

Kormos noted the State of CA requested on several occasions that the Program Document consider language specifying the authority and role of the TMC, which was routinely precluded. At the last meeting, Reclamation signaled that the Program Document process was final so the State requested adding language to the bylaws to specify the TMC's authority to set its own agenda without intervention. That request was also ignored and addressing it through the bylaws seemed unlikely. However, Kormos has spoken with other TRRP staff and TMC members in the last week and was advised that the bylaws were not final and could be revised. He proposed adding the following language to the bylaws:

The TMC retains unilateral authority to set the agenda for all quarterly meetings and maintains the authority to vote on any decision items set forth in said agenda. Members of the TMC will attempt to resolve matters of dispute during TMC proceedings with the understanding that any recommendations made to DOI as a result of a TMC vote can be disputed with DOI outside of the TMC process. The TMC is an advisory board and as such does not hold the authority to implement certain decisions where the authority lies with DOI.

His intent was for the TMC to consider this revision for a forthcoming meeting, which he would request a vote on, not at this present meeting. He believed his proposed revision was prudent to understanding the TMC's authority, which is not codified and does not have explicit approval by all TMC members. At the meeting in December, Kormos made a motion to submit a letter to the DOI to address the Program Document, the fact the bylaws did not address the TMC's ability to set its own agenda and vote on agenda items, and for the DOI to address its actions at the September 2022 meeting where they exercised unilateral authority to remove items from the TMC's agenda for consideration. In considering his bylaw proposal, he thought it may be prudent to withhold the letter to DOI if the TMC is allowed to consider whether to insert this language. If they are allowed to consider it, he advised rescinding the letter.

Orcutt asked why the letter had not been sent yet as the TMC had decided and committed to taking action on it. He likened it to his concerns with the Program Document the day before. He thought the biggest issue with Kormos' request was in the definition of intervention, which was a contradiction. DOI, with a high degree of certainty in its actions, acts based on TMC's recommendations. In 2019, when the TMC was going to use water outside the normal period in the flow schedule but within the water year, DOI said it couldn't because there was no NEPA coverage. It happens often as the Secretary retains control of the actions, and can modify or withdraw them. He thought Kormos' request would likely run into policy and legal issues moving forward.

Kormos agreed with Orcutt's comments on the lack of clarity or transparency from DOI on the Program Document. He was previously told the language could not be added to either the Program Document or the bylaws until the previous week when he was told there was an opportunity for an adjustment. The language provided is intended to allow for adjustment and

improvement to avoid undue problems regarding implementation and policy. It's intended to outline due process and he did not see a conflict between DOI's authority and the TMC's ability to consider issues and make recommendations. There is a process for the TMC to operate under and it does not preclude its ability to take things to DOI to decide. Orcutt did not have an issue with deferring consideration of the language but felt the TMC could not defer the letter, since it was from a motion the TMC had already acted on. The TMC drafted the letter, vetted it, and he was unsure why it had not been sent yet.

Sommer explained that the letter was delayed because as she was getting it signed by USFWS, it was flagged for an ethics review given her participation on the TMC. Their ethics counselor thought her role at USFWS and as Chair of the TMC presented a conflict of interest. She sorted it out with help from Reclamation's Solicitor, who helped the counselor understand the group. Currently she is at the beginning of the briefing process for getting the letter signed. However, she was unsure how to move forward with the letter until the bylaw concerns are concluded and there is a clear decision on whether to move forward or rescind it. She noted that Hoopa Valley had voted against the letter when it was proposed in December.

DeJulio asked why the letter was dependent on the bylaws. He hoped the TMC could have a broader discussion on the Program Document at the next TMC with the Regional Directors. He would like to complete the Refinements process and if sending the letter helped that process, there could be value in sending it. Kormos explained the State's interests in proposing the letter were to have the DOI Regional Directors address their actions from the September TMC meeting, outline expectations moving forward, and to make the TMC's authority clear in the bylaws. He asked to withhold the letter until it's clearer whether the TMC can consider his proposed language for the bylaws. He agreed the letter still holds value but wanted some discussion on whether the letter should still be sent or not as he did not see much hope in engagement with the Regional Directors. DeJulio explained he expected a lack of receptiveness at the Regional Director level but did not think it should prevent sending the letter. The TMC has a history of sending letters, which creates a record of engagement, even though it may not result in the outcomes the TMC is looking for. Gogan and Ly thought it was wise to hold the letter for now.

Orcutt thought rescinding the letter would set a risky precedent. The TMC already acted and vetted the letter, which Hoopa Valley Tribe opposed. The DOI's decision making process prevented the letter from being finalized. Now Kormos is asking the TMC to prevent its own action. For the public, the TMC should have its ducks in order before making decisions.

DeJulio did not think changing the bylaws resolved the TMC's issue with DOI's actions in September. He supported dialogue on the issue as adopting Kormos' language in the bylaws would not determine DOI's actions moving forward. He thought the current letter still addressed that concern even if the bylaws were updated. Bader supported withholding the letter and explained Sommer had not withheld the letter but was addressing a policy issue.

Ly asked if Kormos' recommendation would address his concerns with how DOI operated. Kormos explained his recommendation addressed the TMC's ability to set expectations for its member agencies and provided due process. He agreed it did not address DOI's action in September and he supported sending the letter when it seemed the Program Document was final. Now that the bylaws are open for change, it's different. His interest has waned on the motion to send the letter but does not preclude other members from pursuing it. Ly thought the consideration seemed reversed. If the TMC rescinds the letter and Kormos' motion does not pass, it could eliminate any options the TMC has for addressing what happened in September. He recommended having the TMC consider the language and then voting on whether to rescind the letter.

Kormos explained the letter should have already been sent. His recommendation was not to rescind the letter but to temporarily withhold it. He appreciated the TMC's decision making process. If the language was not adopted, TMC entities could decide separately to send the letter or rescind it. However, without the motion on the letter, the TMC should expect sending the letter between now and the next meeting.

DeJuilio noted the letter did not say anything about TMC's inability to revise the bylaws or the Program Document. It just states it was incomplete and asks that the TMC set its own agenda. He did not think the bylaws discussion and the letter were as intertwined as suggested. Kormos thought that while the letter still holds value, and he decided not to ask or push for the language in the Program Document or the bylaws for tactful reasons.

Orcutt thought the discussion was being sidetracked as the proposed changes to Section 603 were the biggest to address. He asked if the Kormos' bylaw proposal would circumvent the ROD or the EIS, as that would run into issues quickly. Kormos explained he did not think the proposal conflicted with the EIS or the ROD, but there was ambiguity that remains unaddressed. He saw a need to codify the TMC's authority somewhere. DeJuilio thought the proposed changes help fulfill the intent for the TMC to be advisory and did not mean to imply that the bylaws would supersede either document.

Gogan moved to withhold the letter approved by the TMC in December to DOI until the June TMC meeting for discussion at that time.

Bader seconded the motion.

DeJuilio made a friendly amendment to add "and instead distribute draft language of the bylaws to the Regional Directors" after the June TMC meeting.

Dixon asked if the language was for all the bylaw changes or the language Kormos proposed. DeJuilio clarified it was Kormos' proposed changes. Orcutt noted Hoopa Valley's positions was the same as December for the letter. He deemed one section of the bylaws as controversial. Sommer was concerned with the friendly amendment as she did not think the Regional Directors needed to engage on the bylaw's language. If there is a legal concern, Sommer or Bader would go to their Solicitors. If the question is about the legality of what the TMC wants to do and its

within the scope of the ROD, she did not think they would get feedback on the bylaws. She saw the letter as the TMC expressing its frustration with what happened in September and with the Program Document process. But it does not ask the Directors to review the details of individual items. DeJulio agreed the Regional Directors may be the wrong audience and they could adjust the request to the Solicitors. He was looking for confirmation that the TMC has the authority and autonomy intended in the proposed language, so it is not overridden in the future. Sommers added that Section 700 states that the authority of the TMC is stated in the ROD and the Implementation Plan and notes in Section 301 that all federal, state, and tribal entities retain their existing authorities for policies and procedures. That means both things can be true about Kormos' proposal and the ability of each agency to take actions they would otherwise take.

Gogan and Bader did not accept the amendment.

Kormos clarified that his proposed language means decisions would not be made outside of the TMC. If the proposed language is approved in June, it would not preclude or prohibit the TMC from asking the Solicitors for their opinions on its validity. Their opinion should prevent them from inserting this language that all TMC members are signatories to and establishes expectations around due process and dispute resolution. It would solve a bigger issue than the DOI's actions in September. Sommers recommended requesting Solicitor input.

DeJulio noted he would abstain from the vote. While he did not think it would be terrible to withhold the letter while the bylaw language was being negotiated, he did think engagement with Regional Directors was still important and beneficial to the process. Orcutt pointed out that finalization of the Program Document would be critical to this discussion, and that the voting protocols were part of that effort.

Motion passed with five votes in favor, two abstentions, and one vote against. The Yurok Tribe and the State of California abstained, and the Hoopa Valley Tribe voted against.

The TMC will vote on the letter in June to decide whether to move it forward or not.

Orcutt moved to accept the proposed bylaw changes as highlighted during the meeting, with the exception of Sections 201(e) and 607(e) which change the TAMWG to TSAC, and Sections 603 and 604 on Voting Rules.

Gogan seconded the motion.

Orcutt explained he was excluding the sections on changing the TAMWG to TSAC as the TSAC has not been established yet and the TMC could act if authorized. DeJulio asked if the TMC could consider removing the TAMWG from the bylaws or if it should remain. Orcutt intended for the language to remain the same until the TSAC is authorized.

Kormos asked if the intent of the motion was to approve all the highlighted sections except for those noted and then consider the excluded items under a separate motion. Orcutt explained his intent was to preclude the proposed changes in those noted since they are the most contentious.

He believed in fixing things when they were broken and was open to hearing what others thought. The other proposed changes were vetted in the Program Document.

Ly made a friendly amendment to replace “exception of” to “rejection and preclusion of.”

Ly explained his amendment was intended to clarify Orcutt’s intention. The preclusion would eliminate the possibility of the TMC voting on them. Orcutt explained he was trying to exclude those sections for today.

Mike Orcutt and Liam Gogan accepted the amendment.

Motion failed with four votes in favor and four opposed. NOAA Fisheries, the Yurok Tribe, the State of California, and the U.S. Forest Service voted against.

Ly moved to accept all the highlighted changes to the bylaws presented during the meeting with additional edits to add to the TSAC edits *TSAC, or other proposed equivalent entity if form*, with the exception of Sections 603 and 604 to be voted on separately.

Gogan seconded the motion.

Ly explained his edits for the TSAC changes are to provide flexibility for a future TSAC or equivalent committee if formed at all. If the committee is not formed, the edits would still apply to the bylaws. Orcutt thought it was a fair approach.

Motion passed unanimously.

The original and edited versions of Section 603 and 604 were displayed for consideration while the TMC took a break.

BREAK

Orcutt explained the edits the TMC just approved were ones the PDDC discussed, while this was the first time he had seen modifications to Sections 603 and 604. The original voting structure had motions fail if two entities were opposed. While it is not an issue for most items, it has come into play for major things, such as the winter flow proposal. The original structure came from USFWS when the TMC originally formed. It has been used over the past 20+ years and was only raised after the winter flow discussion. He intended to maintain Section 603 as originally written. Dixon explained the discussion on less restrictive voting requirements was originally raised during Headwaters’ interviews. Groves originally brought it up and it was part of the initial PDDC discussions. Orcutt noted that any time it was brought up in the PDDC, there was a lack of discussion for various reasons.

Kormos thought the existing bylaws language was broken since it created a major obstacle for progress on several issues. Most other advisory bodies operate with a simple majority. While the changes retain a super majority, it would facilitate and incentivize greater collaboration and communication. He viewed the current process as patently obstructive to progress. While he has

only recently joined the TMC, given his prior experience with other entities, he saw the current process as ill conceived. If the original concern was to add strength to the two tribal representatives, that need has changed significantly over the past 20 years. He noted significant collaborations the State has with tribes under the TRRP and hoped a broader perspective would help based on how other commissions, councils, and committees function.

Orcutt explained the Hoopa Valley Tribe is intent on maintain the status quo of Section 603. If there are contentious or controversial items, efforts should be made to secure all 8 members at the meeting and did not think reducing the vote to 6 would help that or lowering the vote count if 8 members were not present. Gogan added there were only 6 times where the super majority vote was imposed. He wondered why lowering the majority to six votes was needed and that he thought differently than Groves on the matter.

Kormos thought Gogan's statistic supported the idea that most votes are not contentious or divisive. However, it can prevent progress on issues that are contentious. The current set-up bestows too much power in small coalitions and alliances that form on the TMC and reduces the need for collaboration and coordination among the member agencies. The changes still keep a super majority and do not change the purpose and intent of the voting structure the TMC has enjoyed. The changes encourage people to talk and be more productive.

Orcutt moved to approve the proposed changes to Sections 603 of the bylaws as highlighted during the meeting with the exception of the last proposed sentences:

Five (5) affirmative votes are required to pass official TMC motions when six (6) or seven (7) members are present.

Gogan seconded the motion.

Kormos indicated he would oppose the motion because eliminating the last sentence would incentivize members opposed to a motion to not attend meetings to change the vote outcome. DeJulio noted that missing meetings was addressed in other sections. Orcutt explained his intent was for all eight members to be present for votes to avoid evasion. He was aware there would be critical and controversial items, like the winter flow, and he had served on other councils where they had votes that went on until midnight. The two-vote requirement for motions to fail was durable and still requires entities to coordinate and collaborate. While it may have been raised by Trinity County, their representative is raising the same questions as Hoopa Valley. He wanted to remove the last sentence to maintain the TMC's current voting structure as he saw it as valid and durable. Ly asked if the motion would prevent the TMC from voting on the sentence for a separate motion.

Ly made a friendly amendment to clarify that the excepted sentence could be taken up in a separate motion.

Orcutt did not accept the amendment.

Orcutt explained his intention with removing the last sentence was to maintain the current voting structure requiring seven affirmative votes and that all eight members should be present for voting.

Gogan made a friendly amendment to replace the excepted sentence with:

Seven (7) affirmative votes are required to pass a motion when all eight (8) members are present.

Orcutt accepted the amendment.

Dixon was confused by the motion because six affirmative votes was still listed while the amendment switches the requirement back to seven votes. Bader also thought the amendment made the motion conflict. Orcutt explained his intent was to require seven affirmative votes out of 8 for motions to pass. Sommer called for a break so members could discuss.

BREAK

Gogan thanked the public who attended both meetings. If Trinity County residents had questions about the TMC or the TRRP, he invited them to talk with him, Heidi Carpenter-Harris, or Ric Leutwyler from District 1. He also noted the Trinity Journal was working on a report on the health of the Trinity River and the restoration efforts and he invited the public to participate.

Motion failed with two votes in favor. Reclamation, U.S. Fish and Wildlife Service, NOAA Fisheries, the Yurok Tribe, the State of California, and the U.S. Forest Service were opposed.

Ly moved to approve the changes to Sections 603 and 604 as highlighted during the meeting.

Kormos seconded the motion.

Dixon had reservations about the ability to pass motions with four votes, as outlined in Section 604. He thought having a five-vote requirement was better.

Orcutt made a friendly amendment to remove Section 604 from consideration.

Ly and Kormos accepted the amendment.

Motion failed with six votes in favor and two votes opposed. Hoopa Valley Tribe and Trinity County were opposed.

Gogan moved that seven affirmative votes were needed when 8 members were present and six affirmative votes were needed when six or seven members were present.

Orcutt seconded the motion.

Dixon and Sommer explained the motion was the existing bylaw. Gogan explained the motion would keep the voting structure in the bylaws as they were. Som explained the TMC had

exhausted their options for considering the proposed changes to the voting structure for the meeting. Ly asked if the TMC could consider the proposed changes to Section 604, which deal with abstentions. Orcutt asked if the record would show that a failure to pass a motion on changing the voting structure meant that 603 remained as it was originally. Sommer explained the motion is the current bylaw. Only proposed changes could be voted on to allow for action. Gogan explained his motion was to codify the super majority. Sommer explained that the failed votes mean the original super majority of 603 would remain. She also advised to hold off on discussions for Section 604, since the proposed changes were contingent on the proposed changes to Section 603.

Ly requested that the TMC look at the eligibility requirements for the Chair and Vice Chair positions as outlined in Section 401 at the next TMC meeting. He would like to see the roles open to other entities if possible. Sommer asked Dixon to provide some background on the requirement at the next meeting.

Topics for June TMC Meeting

The June TMC meeting will take place on June 7 and 8 in Humboldt County.

- Dixon's plan to spend out the FY23 Budget surplus.
- Proposed FY24 budget.
- Design Team presentation for FY24's channel rehab project.
- Presentation from InterFluve on the retrospective report for Phase II.
- Discussion on Kormos' bylaws language.
- Field trip scheduled around the PDDC's meeting, which will be around the same time.
- Presentation by Reclamation on how water is allocated annually for diversions for Trinity River as requested by Orcutt.
- Update on the request for Trinity River Division infrastructure modifications as requested by the TMC to gain better temperature control of releases, as requested by Orcutt.
- Hayden requested a briefing on changes to hatchery management as recommended in the Four Peaks report. Rupert reported the NCAO received funding through the Bipartisan Infrastructure Law to address the preferred alternatives recommended in the Four Peaks Report. He will lead the hatchery team and will update everyone soon.
- Alvarez requested an update on restaffing the SAB.
- Alvarez offered to provide an update on the Hoopa Valley's 2022 survival study.
- Gogan requested an update on the Program Document.
- Orcutt requested an update on the reinitiation of consultation for the TRD.

Dixon will route the accepted updates to the bylaws to the TMC primaries for signature in the meantime.

Items requested during the meeting but not during the agenda topic:

- Ly requested a discussion on TMC roles for the bylaws with Dixon giving a briefing on the background of the federal employee requirement.

- NFWF-selected watershed restoration grant projects for 2023

Adjourn Day 2 at 2:51 pm.