

DRAFT MINUTES FOR 5/17/01 TRINITY MANAGEMENT COUNCIL (TMC) MEETING

Present: Mike Ryan, USBR; Russell Smith, USBR; Mike Orcutt, HVT; Joseph L. Jarnaghan, HVT; Daniel Jordan, HVT; George Kautsky, HVT; Irma Lagomarsino, NMFS; Tim Ramirez, Resources Agency; Bill Mendenhall, CDWR; Laurie Fenwood, USFS; Bill Brock, USFS; Charlie Chamberlain, Yurok Tribe; Dave Hillemeier, Yurok Tribe; Mary Ellen Mueller, USFWS; Frank Dimick for Westlands W.D., Tom Stokely for Ralph Modine, Trinity County (note taker)

1. Update on Executive Director Position- There was a discussion of the Executive Director Position. It is unclear if the TMC can provide a recommendation for selection of an individual for the position. Mike Ryan said Reclamation's personnel office helped classify the job, with an estimate of about a dozen staff members. By June 4, Donna Darr will be returning from DC as agency liaison, and will help set up the TMC such as position descriptions, advertising for positions, etc. It would save some time to get the applications in so the exec. director, when hired, can select the appropriate persons.
2. Update on supplemental EIS/EIR- Mike Ryan gave a summary of the litigation to date: Secretary Babbitt and the Hoopa Valley Tribe (HVT) signed the ROD on 12/19/00. As a result of litigation filed by Westlands et al, Judge Wanger issued a Memorandum Decision and Order Re: Motions for Preliminary Injunction, dated 3/22/01. A final Preliminary Injunction was signed by the judge on 4/25/01. It limits flows to 368,600 af, but allows all other work to proceed. DOI is working on a statement of work for a contractor to write the supplemental EIS/recirculated Draft EIR, which needs to be routed internally. The 2 issues that will for sure be looked at are power issues and the ESA reasonable and prudent measures.

DOI would like to have the supplemental EIS done in time for the next water operating season, which is really late January.

Some of the models to be used are PROSIM (BOR water ops), PROSYM (power ops). DOI and California are now trying to finalize a model which integrates DWRSIM and PROSIM called CALSIM 2. That could take some time. CALSIM 2 might be up and ready by mid-July of this year. The question is open in the draft statement of work.

Reclamation will present the Statement of Work (SOW) to the Indefinite Quantity Contractors (IDQ) contractors and get a cost estimate and get the SOW into a contracting process.

With PROSIM modeling to date, it was difficult to evaluate the "B2" water, CALSIM 2 is supposed to be easier to use to evaluate B2 water.

Tim Ramirez noted that CALSIM is critical for many other issues besides Trinity, such as the Environmental Water Account (EWA). It's on a fast track, regardless of Trinity.

3. Funding of SEIS- Mike Ryan said it won't be cheap. Russ Smith said about \$1 million is available this fiscal year. It might be difficult to spend all that in 3 months. USBR needs to check on whether or not that funding can be carried over.

Russ Smith reported that \$2.1 million was designated in FY 01 budget for permitting, design and mainstem construction projects. Some of that funding is moving ahead- several agencies met last week to work on permits and env. compliance for channel restoration projects. This includes mainstem construction work and bridge work. There is scheduled to be a public meeting later in June to discuss the mainstem construction projects. <Note: The public meeting has been postponed to later in the summer or fall>.

Mendenhall asked what is the status of the FY '01 budget as it relates to the previous Task Force directives for the budget? He asked Russ Smith for a single page showing what is being spent this year. Russell said \$0.5 million went to CH2MHill for extra costs on the FEIS/R and the ROD.

Tim Ramirez requested a copy of the budget, as approved by the TRTF, and how it's actually being spent.

***Key question- what is the role of the TMC in the budgeting process?

Mary Ellen Mueller said the FWS funding of \$0.5 million was added to the \$6.5 million of BOR funds, but basically offset the \$500,000 for additional FEIS/R and ROD costs by CH2MHill.

Regarding the \$1 million for bridges from the CVPIA Restoration Fund (CVPIA RF), \$350,000 is being spent this year, then \$650,000 will be available next year for bridges. There was some confusion expressed regarding the \$350,000 that was in the USBR Trinity budget approved by the Task Force. Russ Smith clarified that USBR is spending \$700,000 this year on the bridges (\$350,000 from the CVPIA RF and \$350,000 from the TRTF budget). Trinity County's \$350,000 from the state is in addition to the \$700,000 through USBR. It can be spent starting June 1, 2001 for various studies, permitting, environmental review, etc.

Danny Jordan said that based on post-ROD flows, \$3.6 million from Trinity water and power sales goes into the CVPIA RF. We need Trinity's share of CVPIA RF revenue going back into Trinity River restoration.

Dave Hillemeier asked if there will be multiple co-lead agencies. Mike Ryan said it's likely that the same 4 entities would be co-leads- USBR, HVT, USFWS and Trinity County.

Duane Sherman expressed concerns that all information was not shared between the co-leads during the process.

4. 2002 Funding Update- Mike Ryan reported that \$7 million is being requested by the administration for USBR's budget for FY 2002 in the "green book (page 149, CVP, TRD, Fish and Wildlife Mgmt). . He said few questions came back from Congress to date. FWS has a \$2.0 million request in for FY 2002, more than the \$.5 million requested for this year. Regarding the CVPIA RF- the agencies submit their estimated 3-year rolling average of collections. Congress usually appropriates less than collected. In the past, DOI has requested appropriations to match collections. Danny Jordan said the real issue is a DOI policy prior to 2001 that CVPIA RF dollars were never available for Trinity. That changed in 2001 as a result of internal DOI policy.

Tim Ramirez discussed the state budget. General Fund departments are likely to be cut, which might result in a reduction of grant funds elsewhere to pay for departmental baseline efforts.

Stokely said that Trinity County is submitting approximately \$3 million in funding requests to DFG, primarily for bridge budgets, but also for other restoration projects.

Danny Jordan said the Hoopa Valley Tribe (HVT) has asked for an additional \$4.5 million for BOR, plus \$6 million for FWS, all for Klamath and Trinity projects. That is \$2 million more on Klamath side, and \$2.5 million more on Trinity side. The HVT is also asking the Transportation Committees for bridge funding as a separate line item. The problem in the past has been that the federal agencies have stated that they didn't need the funding.

Mike Ryan said those are called “capability statements”. He thinks that they could make such a statement, but if it’s not new money (add on), it’s a redirection of existing funds, and the agencies generally will say no.

Mike Ryan asked if the ROD is the level of specificity needed to justify state funding requirements? Mendenhall said the 3-year Action Plan was useful for the state’s budgeting process. Tim said that in the short run, submitting grants by individual agencies is OK, but we need to have a more coordinated effort/plan in the future.

Stokely mentioned the Trinity working group is meeting and attempting to develop a budget. They will meet again on 6/15 in Wvvl.

Mary Ellen Mueller (MEM) said the Trinity Adaptive Management Working Group’s (TAMWG) charter is being routed in DC.

Stokely said the TAMWG Charter has been requested to be reviewed by the stakeholders. Nobody expressed any concerns with distributing it.

Hillemeier asked what the schedule is for the CVPIA RF for making decisions on funding?

Danny Jordan suggested that the TMC ought to recommend that whatever portion of CVPIA RF money is generated from Trinity should be allocated back to Trinity activities.

It was agreed that somebody from DOI will come to the next TMC meeting to discuss the issues related to the CVPIA Restoration Fund.

Mike Ryan said that the vacancy announcement for Mid Pacific Regional Director will be out on the street, but may take several months to fill. It is also a Senior Executive Service (SES), which means it has to go to the Office of Personnel Management to ensure that the person has adequate qualifications.

MEM said that FWS doesn’t know if Mike Spear’s position can be filled until a final USFWS director is selected. It might take awhile and is also an SES position.

Laurie Fenwood said the Forest Service has no earmarked funding for this project, but the new legislation for the Resource Advisory Committees may provide some funding. Organized funding strategies which are successful are well coordinated.

Irma Lagomarsino said there are no NMFS no earmarks for Trinity restoration for the 2002 budget as far as she knows, but there may be an increase in Pacific Coastal Salmon Restoration Funds budget request for a total of \$100 million, split among several states.

5. Klamath- Trinity Working Group- It was reported that the Hatfield legislation of 1997 (?) called for coordination between the Trinity River Task Force, the Klamath Fisheries Mgmt. Council, the Klamath River Task Force and the Upper Klamath Basin Working Group. Roger Patterson had designated Mike Orcutt and Chuck Schultz as the designated liaisons. What does the TMC want to do about this now that the TRTF no longer exists?

Nobody objected to the TMC being involved in this process. What would we say? Mostly listen and disseminate information about the Trinity process.

Bill Mendenhall will represent the TMC at the Klamath working group.

Tim Ramirez said that the roles of the various agencies and groups should be examined in more detail. Focus on what this group will do and what the other groups will do. He won't be here in the afternoon. He expects that DWR and DFG will both be present at future TMC meetings. Mary Nichols would like to be here, but couldn't make it.

Lunch break 11:45 to 1 pm.

Lunch over at 1:05 pm

Mike Ryan said a draft scope of work for the supplemental EIS/recirculated EIR will be distributed at the end of the meeting. Give comments to Mike Ryan by the end of next week.

6. DISCUSS HVT "Proposal to Conduct a Scientific Workshop for Transition into the Trinity River Adaptive Environmental Assessment and Management Program"

The concept would be for \$66,000 to conduct a 3 day workshop of the technical experts, to then be followed by a meeting of the policy group such as the TMC. This group would put together the hypotheses that would be tested by the proposed Adaptive Management Program (AEMP). The primary purpose of the workshop would be to be a jumpstart for AEMP, to then transition into a policy level approval and guidance on the roles that each entity will play to get things done.

The last thing to do would be a facilitated workshop driven by the scientific questions, to be put into an interim plan. A plan would help other agencies determine how to fit their budgets in with the long-term program.

The list of entities is not exclusive, just a sample list. The framework is the ROD/TRFE, but need to put flesh on the bones, so to speak.

Costs are for travel, prep. time, facilitator(s), printing, lunch, per diem for participants.

Nobody objected to the concept. It was agreed that the HVT will provide the budget outline and the various agencies could look at their existing budgets to determine where the funds could come from to pay for the project.

Phase 2 role of the TMC needs to be fleshed out. USBR and USFWS have facilitators on staff who may be able to be utilized. The task is to flesh out scientific hypotheses and AEMP strategy, not to determine budgetary priorities.

Tom S., Irma, Dave Hillemeier, Mike Orcutt and Russ Smith will work on Phase 1 funding .

Phase 2 is to take this and decide how to develop Requests for Proposals (RFP's) around this, then Phase 3 is to bring it to the TMC with RFP's. Bill Brock volunteered to help with Phase 2.

Nobody objected to funding this with existing funds, as long as a good effort is made to find other funds. Laurie Fenwood asked that social science/economics be included in the analysis of the issues.

Comments on the proposal should be given to Mike Orcutt by the end of next week.

7. Process for conducting meetings and making decisions

How to decide issues by vote- one vote per agency. The Chairperson/Vice-Chairperson- is supposed to be from a federal agency.

USBK = Chair; Vice-chair- to be selected from membership by Chairman

Minutes- Stokely will take them, route through Chairman before mailing/distribution- finalize before next meeting and be timely. Give one week to respond to comments on the draft.

Public participation- There will be a public comment item on the agenda- the chairman can limit time for each speaker, only members can speak otherwise.

Proxies- Conference/phone calls would be allowed for voting purposes.

It was decided (by 5-3 vote) that of 8 members, to pass a motion takes 7 of 8, but a quorum is 6 members and if only 6 or 7 members present then a motion passes with the votes that are as follows:

members	Motion passes
8	7
7	6
6	6

Motions should be made, seconds, discussion, record votes. The Chair will recognize speakers for discussion and will have the ability to limit discussions.

Personnel matters and litigation may be matters which would require a closed executive session by the TMC.

8. Process for determining funding priorities in absence of Executive Director- There was a general discussion of the ad hoc stakeholders' group and the role it plays in the TMC's budget priority process.

General Discussion of budget development process in the past, 4/1- submit proposals, finalize 3-Year SAP by end of June in order to comply with PL 638 (Tribal Self-Governance) to give Congress 90 days to review tribal budgets using federal funds.

It was pointed out that the ad hoc working group is meeting to develop priorities because there is frustration that other items are not being covered.

The message to the ad hoc working group is that we want them to participate in the workshop to help develop the budget priorities.

The next TMC meeting is Monday, July 23, 8:30 to 4 pm at the Federal Building, 2800 Cottage Way, Sacramento in the meeting rooms next to the cafeteria.