

Summary of the Minutes of the Trinity Management Council

Date: September 20, 2005

Location: Yurok Community Center, Weitchpec

Members Present: Mike Long, Acting Chair, *USFWS*; Doug Schleusner, *TRRP Executive Director*; Bill Brock, *USFS*; Irma Lagomarsino, *NOAA Fisheries*; George Gardner, *BOR*; Tim Hayden (Alternate for Dave Hillemeier) & Dave Hillemeier (Delayed, appeared after lunch), *Yurok Tribe*; Mike Orcutt, *Hoopa Valley Tribe*; Tom Stokely, *Trinity County*; Neil Manji, *CA Dept. of Fish & Game*

Others Present: Arnold Whitridge, *TAMWG Chair*; Gil Saliba, *Redwood Regional Audubon Society and North Coast Environmental Center Liaison*; Joe Polos, *USFWS*; Russell Smith, *BOR*; Frank Lake, CJ Ralph, *USFS*, Joshua Allen, *Trinity Co. Planning NR Div.*; Rod Wittler, Priscilla Henson, Ed Solbos, *TRRP*; Robert Franklin, *Hoopa Valley Tribal Fisheries*; Serge Birk, *CVPWA Representative*; Curtis Anderson, *DWR*; Abbey Stockwell, *Americorps WSP*

The meeting was called to order at 10:10 am by Acting Chair Mike Long

Regular Business:

Introduction: Validate agenda items.

Stokely moved to approve the agenda, motion was second by Lagomarsino, and approved unanimously by the TMC.

Open Forum: Comments from the public.

There were no public comments at that time.

Report from TAMWG Chair:

Lagomarsino made motion to send a letter to BOR thanking them for end of year funds. Stokely seconded.

It was agreed by the motion makers to set aside the vote until after the budget discussion.

TMC Election of Officers:

Lagomarsino made a motion to delay the election of officers until the December TMC meeting. Stokely seconded the motion. There was no discussion and the motion was unanimously approved.

Meeting adjourned for lunch 12:30- 1:38pm

Discussion Item:

Priority of Wildlife Studies in the Science Program:

Orcutt moved to do what the TMC agreed to do on June 30, which was to have interested parties meet with the Field Office, DFG, and other regulatory agencies to better understand the wildlife program budget and what is the appropriate level of funding. There was no second to Orcutt's motion.

Manji moved for the TMC to direct the TRRP to convene a meeting with the regulatory agencies and TMC co-managers to develop an outline and plan with a cost breakdown that will meet all environmental compliance for future projects for fiscal years 2007 and 2008. The motion was seconded by Orcutt.

Manji's motion carried unanimously.

Action Item:

FY2006 Budget:

Stokely moved to accept the staff recommendation, and the motion was seconded by Gardner.

A 10 minute break was called to caucus on the motion at hand.

Stokely amended his motion to take \$300k from Lewiston Hatchery project if it does not happen and place \$250k of the funds for the Canyon Cr. and/or Indian Cr. mainstem projects and \$50k to watersheds. Gardner accepted the amendment to the motion.

The motion was approved 7 yes votes to 1 no; HVT was the dissenting vote.

Meeting adjourned at 5:15pm.

Date: September 21, 2005

Location: Yurok Community Center, Weitchpec

Members Present: Mike Long, Acting Chair, *USFWS*; Doug Schleusner, *TRRP Executive Director*; Bill Brock, *USFS*; Irma Lagomarsino, *NOAA Fisheries*; Dave Hillemeier, *Yurok Tribe*; Mike Orcutt, *Hoopa Valley Tribe*; Tom Stokely, *Trinity County*; Neil Manji, *CA Dept. of Fish & Game*

Others Present: Gil Saliba, *Redwood Regional Audubon Society and North Coast Environmental Center Liaison*; Joe Polos, *USFWS*; Joshua Allen, *Trinity Co. Planning NR Div.*; Rod Wittler, Priscilla Henson, Ed Solbos, *TRRP*; Robert Franklin, *Hoopa Valley Tribal Fisheries*; Curtis Anderson, *DWR*

The meeting was called to order at 8:30am.

Irma moved to send a letter to BOR thanking them for end of year funds. Stokely seconded the motion.

The motion passed with 6 in favor; HVT abstained.

Information Item:

Program Evaluation Report Update:

Schleusner will prepare for the November TAMWG meeting and the December TMC meeting, an outline or discussion of how to better integrate meeting schedules, identification and formalization of subgroups, individuals involved, time frames, meeting notifications, etc.

Discussion Item:

Director's Budget Authority and Discretion:

Lagomarsino moved to form a TMC subcommittee to review Schleusner's initial recommendations related to TRRP's budget authority and to discuss ways in which the TMC can improve the budget planning process for 2007. The motion was seconded by Manji, there was no discussion, and the motion was approved unanimously.

Lagomarsino will chair the subcommittee. Hillemeier and Stokely volunteered to serve. She will send an e-mail to all TMC members and also to the TAMWG chairman. This item will go on the next TMC agenda.

Regular Business:

Approve TMC Minutes: June 21-22, 2005

Stokely moved to approve the minutes of June 21-22. The motion was second by Manji, which was approved unanimously with no opposition.

Calendars: Confirm next meeting date and location

The next TMC meeting will be December 13-14 in Weaverville: The agenda will be focused on the review past accomplishments for the previous years.

Meeting adjourned at 3:10 pm.

**Complete Minutes of the
Trinity Management Council**
Meeting of September 20, 2005
Yurok Community Center, Weitchpec

Members Present: Mike Long, Acting Chair, *USFWS*; Doug Schleusner, *TRRP Executive Director*; Bill Brock, *USFS*; Irma Lagomarsino, *NOAA Fisheries*; George Gardner, *BOR*; Tim Hayden (Alternate for Dave Hillemeier) & Dave Hillemeier (Delayed, appeared after lunch), *Yurok Tribe*; Mike Orcutt, *Hoopa Valley Tribe*; Tom Stokely, *Trinity County*; Neil Manji, *CA Dept. of Fish & Game*

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The meeting was called to order at 10:10 am by Acting Chair Mike Long

Hayden announced lunch would be provided by the Yurok Tribe at 12 or 12:30 with locally caught salmon. He welcomed the attendees to their Community Center and asked everyone to make themselves at home.

Regular Business:

Introduction: Validate agenda items.

Stokely moved to approve the agenda, motion was second by Lagomarsino, and approved unanimously by the TMC.

Open Forum: Comments from the public.

There were no public comments at that time.

Orcutt noted that the public won't come if there isn't public notification and he did not recall seeing any notices in local newspapers.

Schleusner: The Klamath Kourier, Record Searchlight, Trinity Journal and Times-Standard were all notified with a press release.

Long: The Times-Standard won't print unless a fee is paid.

Schleusner: The Trinity Journal did publish the notice. The Times-Standard wants \$500 for the notification service.

Long: We can discuss if we need make arrangements to pay for public notices.

Report from TAMWG Chair:

Arnold Whitridge reported that the new TAMWG members are now appointed; they consist of 16 members, with the addition of 4 new members and 3 alternates appointed. Unfortunately, this appointment was not done until last work day before meeting last week. The next TAMWAG meeting is November 4, 2005. At the previous meeting of September 16, 2005 three recommendations related to the budget were made:

- 1) TAMWG recommends that the Budget adjustments proposed be approved. There was a lot of support being that it was evident that focus was toward a program-driven process and the TAMWG thinks that the 50/30/20 split is good.
- 2) TAMWG also complimented the staff for making good use of extra year-end funds and recommends BOR be thanked by TMC for making the funds available.
- 3) AT the TAMWG meeting there was much discussion about the shift of \$285k from the Indian Cr. project to unspecified science programs. The group feels that this shift places the program in a much worse position to receive grant funding due to the \$285k being a match for such proposals. When the TMC takes this type of action, it discourages program partners to apply for outside grant funding. They recommended that the TMC support grant applications and discourage shifting funds to unidentified purposes in the budget, and restore \$285k to the Indian Creek project. The premise of the shift by the TMC is unknown to the TAMWG; but this action had unfortunate results and gave the appearance that the program is diverging from its purpose and heading back to the old days of "throwing money into the air for whomever to grab as much as they can." When TMC has pushed off something to a subcommittee, it hasn't worked well in before in the past. The TAMWG does not want that type of action to continue and urges the TMC adopt the budget at this meeting. TAMWG wants to be a constructive part of the program. The TMC should create an atmosphere where everybody gets along.

Orcutt asked for clarification about shifting funds late in the process in regards the \$285,000? The shifting of funds to other areas wasn't unidentified; it was to other parts of the budget.

Whitridge: The funds are still unidentified, and that is what the TMC will be trying to figure out today.

Orcutt disagreed and noted that updated budget shows \$300,000 in coarse sediment and \$285,000 in the Indian Cr. project. He stated that he had not heard about the coarse sediment as a priority until now and it's a last minute addition.

Whitridge: The \$285k wasn't placed within the line items and has to be decided by the TMC. There was no substantial discussion made regarding the \$300,000 for coarse sediment management.

Orcutt said that there needs to be a more systematic approach to using the end of the year funds. A system where there was a priority list to go down to fund additional projects would be appropriate, such as that used in the Klamath River Restoration Program.

Schleusner: Gravel augmentation had roots in an earlier version of the budget, but new information has come together in the last few months which necessitated the inclusion of this line item. The \$300k option is wide open for consideration.

Lagomarsino noted that it would be nice to see the budget presentation before discussing the budget further.

There was a general discussion about how to thank BOR for making additional end of the fiscal year funds available.

Lagomarsino made motion to send a letter to BOR thanking them for end of year funds. Stokely seconded.

Orcutt mentioned that additional funds are good, but reiterated that the budget funding isn't sufficient for full implementation of the Trinity ROD, and that the federal agencies on the TMC would not support stating that there isn't sufficient funding. But BOR can just go out and arbitrarily buy water for fall flows for \$600,000, even though the TMC stated they don't support fall flows and there is no evidence that such flows are needed.

Manji stated that he needs more information to vote on this motion.

It was agreed by the motion makers to set aside the vote until after the budget discussion.

Tim Hayden asked how DFG will be notified that the funding for the Indian Creek project has been reinstated.

Stokely and Manji will both either call or e-mail DFG representatives responsible for the Fisheries Restoration Grant Program.

Report from TMC Chair:

Mike Long said there was a letter sent to TAMWG regarding its past recommendations to the TMC.

He also mentioned that when Jason Peltier notified him about the TAMWG appointments, Mr. Peltier jokingly said it's time to start with the new appointments. He thanked Kirk Rodgers and Steve Thompson for helping to move those appointments forward.

TMC Election of Officers: The last election was held Oct. 23, 2003; it's time for new officers to be elected.

George Gardner gave an update on Mike Ryan's replacement; Brian Person is the new Northern California Area Office manager. He has a background as a civil engineer, and was previously the area manager for the Eastern Colorado office. A definite reporting date isn't available, but he is expected to be available in mid-October.

It was noted that federal employees are the only TMC members who can be elected as officers. There is no penalty for not electing them in a timely manner.

Lagomarsino made a motion to delay the election of officers until the December TMC meeting. Stokely seconded the motion. There was no discussion and the motion was unanimously approved.

Discussion Items:

Principals Conference Recap:

Mike Long: I would like to hear what the TMC members heard at the meeting.

Schleusner: The conference was a worthwhile and positive experience, and was well worth doing. We might want to consider doing it again in the future. The principals seemed to recognize the challenges, and strongly recommended that the program is prepared to release the 11,000 cfs flows ASAP. They do not want to waste the water or forego the option.

Russell Smith: My interpretation was that they want implementation with appropriate monitoring.

Serge Birk: The overall structure of the conference and participation by the principals was very helpful and useful. Of all the substantial progress we've made, there is a fair amount of concern about getting the Strategic Plan completed.

Manji said it was time well spent. The take home message he got from his Regional Manager and Director is to get the water down the river. Implementation and monitoring go hand in hand, but some monitoring may have a higher priority.

Lagomarsino: We need to implement the ROD; also differences in management between the Trinity and Klamath Rivers kept coming up, but she hasn't heard a lot of concrete suggestions on how to coordinate management of the two rivers. This is a gap in the basin and we're not making a lot of progress there. Trust among participants and partnering is important for success of the program. The program is bigger than just the Weaverville office; it relies on all the stakeholders and members of the TMC. Relationships are important and easy to shatter. We should commit to working together and collaborating to get the job done.

Manji: The issue regarding the TRRP budget, there isn't a lot of other money out there to be had. The majority of the principals thought we should try to get the job done with the money we have. Compared to a lot of other programs throughout the State, TRRP is in good financial shape; even though the fully funded program is \$15 million, we probably will never get it.

Orcutt stated that the reason for the meeting was to show that there is insufficient funding for the TRRP. There are several areas with concerns; funding, uncertainty regarding floodplain relocation property issues, what is the necessary level of permitting, etc. (HVT has 10~11 issues). When Jason Peltier came out to the Trinity River a while back, he suggested getting this

forum together. What was presented at the conference was a progress report and the positive aspects of the program, but panelists like Dwight Russell from DWR noted that everything is fine and nothing needs to be done when that isn't true. There needs to be some follow-up, we need to flag those issues beyond our control to help identify problems and solutions for those policy people, such as focusing in on problem areas outside of our ability to deal with them.

Bill Brock was particularly interested in what Bernie Weingardt would say, as he has only on the job for 2 weeks. He jumped on the issue of funding collaboration with USFS.

Hayden: I only attended the first day. Our tribal chair was unable to attend: Dave Hillemeier and Troy Fletcher represented the Yurok & Hoopa tribes. The concept of principals meetings is a good one to get upper level decision makers to be present and informed who normally work outside of the Trinity basin. It's good to share accomplishments, but there are still challenges: one major challenge is integration of science and management on both the Klamath and Trinity Rivers. There needs to be more follow-up, especially on funding.

Stokely: I also thought that it was good to brief high level persons on the status of the program. Though I detect a significant lack of trust among several TMC members regarding the Klamath CIP and Klamath River operations and problems to the extent that they negatively impact the Trinity River's fisheries.

Long: There were four themes that are needed to resolve the relationship between the Klamath and Trinity rivers: 1.) better management coordination, 2.) science vs. implementation, 3.) funding, and 4.) balance between fisheries & wildlife. TRRP is NOT a research program, although science vs. implementation was a split vote among the principals. One view expressed by Ryan Broddrick, Director of the CA Dept. of Fish & Game, is that on the ground work and day to day monitoring needs to avoid cubicle algorithms. The Program needs to move the 11k cfs flow down the river ASAP. The second school of thought is that science is important for program credibility, but splitting up funding for science, monitoring, and implementation is OK. The major funding issue is that federal budgets are declining and we'll be lucky to maintain our current level of federal funding; what we should be doing is using these funds to leverage other funds. There is also a need to integrate more co-managers and have the principals meet once a year. Steve Thompson said that he felt the meeting was too long. I think we should focus on issues that aren't being resolved.

Lagomarsino: Inadequate funding was presented at the meeting; my understanding though is that Mike Orcutt & HVT wanted a more focused agenda item for the next principals meeting. I also think that it is interesting that the TRRP isn't a research program, as the models are being validated through this program, which really is research. However, it's applied research. I believe research is a vital component of the program.

Orcutt: We aren't a property owner mitigation program either. There was an original estimate of property mitigation being approximately \$385,000 within the ROD, now it is \$4-5 million. Additional appropriations should be sought.

Schleusner: Some people wanted a more focused agenda, with more problem-solving, and this was his hope for the Principals meeting. He came away from it with the sense that the individuals at the table were not interested in being that focused or detailed. Is it realistic to think that these people could come up with solutions to our problems? It will take a lot more work with principal agency staff to get to the problem solving mode. I sent a summary of the proceedings to the Principals, and will post it on the TRRP website soon.

Lagomarsino: As the TMC, should we acknowledge their two day participation? If there is such a mention of successes, it should also problem include issues.

Schleusner: Our biggest challenge is to get all these people to agree on a date. We may need to schedule the next meeting about a year out.

Discussion Item:

Priority of Wildlife Studies in the Science Program:

Mike Long would like all TMC agencies to participate in this, but DFG and USFWS are the wildlife agencies. He mentioned that this has been an issue for awhile and current funding is not sufficient enough to allow all work to get done. There has been a lot of scrutiny on wildlife issues as budgets get tight. CEQA requires mitigation for wildlife impacts. Wildlife monitoring is under the science portion of the TRRP to understand their relationship in regards to restoration of the river. There is a need to separate the funding into those 2 categories. There is also a need to know what is being done for wildlife as it relates to channel rehabilitation projects and AEAM. A TMC discussion of what level of wildlife work is necessary to fund wildlife studies; should the program go with VW or a Cadillac budget? The TMC should possibly look closely at wildlife studies for AEAM. What is the relative priority of wildlife in the science program of TRRP? An overview to examine the purpose of the TRRP may be needed. A historical overview shows that the decline in the anadromous fishery is what started the TRRP legislation. TRFE is a basic document to assess effectiveness of flow recommendations for restoration of the fishery resources. The EIS and ROD also look at fishery restoration, with the purpose and need for fishery restoration. However, there was an expectation that wildlife would benefit from implementation of the Trinity ROD. This difficult budget makes it imperative that results are obtained, with those being increases in the fishery, not wildlife. Wildlife is important, but is not a focus of this program.

Neil Manji said that the State's position is nearly identical to the USFWS position. The State has been slightly negligent in not getting some of their wildlife biologists working on the program. The TRRP staff needs prioritization of wildlife issues, the first priority being CEQA/NEPA requirements; what can we get by with? The monitoring of habitat change over time is another priority. Listed wildlife species should be protected by the restoration actions. If additional funds were made available, research on the "ecological function of the restoration area" should be performed.

Lagomarsino: I agree with Mike Long and more with Neil Manji's synopsis. What do we need to do for fish related to CEQA and NEPA that will meet the requirements for wildlife? We need to

analyze the effects of restoration to wildlife, and then minimize potential impacts to wildlife. Do we then initiate additional wildlife studies or independent wildlife restoration?

Schleusner: When we talk about NEPA/CEQA and wildlife, there are other impacts we have to mitigate for such as water quality, etc. Don't obsess over wildlife.

Mike Long agreed.

Orcutt said when wildlife has been segregated out from various requirements like NEPA/CEQA and ESA. He has questions for Mike Long and Neil Manji such as; what is the interrelationship between NEPA and CEQA, and what is the difference?

Manji: There are legal requirements that must be met, such as CESA, Clean Water Act, etc. The issue needs to be resolved. We need to know the repercussions of not doing this kind of work. At the 6/30/05 TMC meeting where this issue was discussed it was the HVT's understanding that a meeting was to be held on this issue. All of the issue areas need to be discussed soon.

Bill Brock: I am emotionally tied to this topic because I headed up the wildlife portion of the program for USFWS. It was an uphill battle because folks don't usually consider wildlife to be important. In the 1955 legislation, it mentioned fish as well as wildlife. "Deer and other wildlife species" were mentioned in various reports. At one point, \$500,000 was allocated to USFWS to map deer habitat. There are USFS sensitive species and other species that may become sensitive. I am unclear as to whether we should be limited to the wildlife programs identified in the Trinity ROD, TRFE and EIS/EIR.

Hayden: I wish I was more familiar with the regulatory needs. The ROD and TRFE are the guiding documents for our efforts. If we don't meet the minimum needs, we may shoot ourselves in the foot regarding other species of concern. He worries that lawsuits filed about species of concern may put the brakes on the various projects. I agree with Irma, that if we restore the natural river processes, we will then be restoring wildlife habitat. Hopefully the Science framework will help to provide guidance.

Stokely: The fishery is the priority, but the 1955 Act and 1984 Act confer an obligation to restore wildlife. That being said, any wildlife restoration should be in conjunction with fishery restoration. I am not interested in research projects on wildlife. I am interested in meeting NEPA/CEQA requirements for wildlife AND invasive species and other issue areas. For example, the Hocker Flat project can be used as a place where wildlife and fishery needs along with invasive plant prevention could be met in part by planting *Ceanothus spp.* on the upper terrace where the fines are being placed to deter invasive plants and provide deer forage. The hard part is how to figure out what is the necessary level of commitment for legal requirements vs. research.

Ed Solbos: \$250,000 is 3% of the budget. About \$50k (20%) out of that \$250k is directly related to preparation of NEPA/CEQA legal requirements. Information from these various studies goes into contract decisions such as clearing vegetation, netting bridges so that swallows can't nest,

etc. When discussing NEPA/CEQA with the Solicitor, a cumulative impacts module was decided and these studies are important for that. A big issue is revegetation costs.

Rod Wittler said there is a difference between science, studies, and all the terminology being stated. Models are the common form of prediction to test hypotheses. It's conceptual model vs. computer modeling. Studies lead to monitoring plans. The only research is IIMS, which only receives \$50k. It would be a weird science program if there isn't some research. The program needs to have an ecosystem approach to restoration, which includes wildlife. We don't want to have "single species management." Riparian vegetation and terrestrial habitat is directly tied to fisheries restoration objective. There is no wildlife model, just monitoring. We should avoid single species management.

Meeting adjourned for lunch 12:30- 1:38pm

Dave Hillemeier became present at lunch and took his seat representing the Yurok Tribe which was relinquished by Tim Hayden.

Mike Long noted that the discussion on wildlife studies was for discussion purposes, to help distribute the additional dollars.

Orcutt: We have bantered this about for the past 18 months; the issue is more defined now. I am leaning toward taking more action to get guidance on permitting vs. science and adaptive management. I would like to see a motion on this matter. There was \$255,000 for wildlife last year in the budget, after the June TMC meeting; there was a motion to increase it by \$34,000.

Stokely: We should look also at other ways of cutting costs, such as a revegetation plan that just uses the DFG restoration manual instead of some of the costly designs that have been used so far.

Lagomarsino: We should establish criteria for wildlife studies for future proposals. I would like to see some criteria developed by staff and have the TMC review it.

Schleusner: We are trying to identify issues, criteria, and funding. I am having a hard time pinning the "tail on the donkey." Once we have a clearer idea about how this program should deal with wildlife, we can place the ball into the TMC's court for more explicit direction, and then they can do a better job at developing criteria.

Manji: Ed did come back with the information on what is necessary and it's only \$50,000 for NEPA/CEQA. You either have the direction you need or you don't. The gray areas are habitat for wildlife.

Schleusner: We have part of the answer for environmental compliance, but this issue still needs to be discussed, especially related to the Hocker Flat experience. There is a need for on the ground discussions with regulatory agencies, which is straightforward. The next question is what kind of monitoring are necessary for environmental compliance? To the extent beyond that they'd like to take a second look at that.

Wittler: Currently the budget spends \$2.2 million on 4 species of fish compared to \$250,000 on 17+ species of non-fish/wildlife. The TMAG wouldn't entertain any new proposals for wildlife monitoring, and it is a low level baseline information. It can probably be done faster for less money. Hocker Flat took \$200,000 and 2 years for environmental documentation and permitting, but the project itself is only \$3/4 million and will take 3 months to complete. What is the range and what is the focus?

Hillemeier: A couple of years ago there was direction to have legal counsel look into the appropriate level of environmental review.

Schleusner said yes, there was such a review, but it was in the context of ongoing litigation, which is over now. We are going to use 90% of the material within the Hocker Flat EA/EIR for the Canyon Creek complex of projects. Contract improvements can be made into cost savings. He sees improvements in most areas, especially now that the NCRWQCB is the CEQA lead agency.

Long: I suggest a table of what wildlife studies are being made, for how much, and for what purpose. Environmental review; science; some that are both.

Schleusner: We are trying to do that, but it's hard to separate out the costs.

Long: At least break out what is just part of the science program, not environmental review and permitting.

Schleusner: The things in the budget on wildlife are NOT related to NEPA/CEQA, except for \$50,000 of it.

Long: We should look at the scope of work for wildlife program.

Orcutt moved to do what the TMC agreed to do on June 30, which was to have interested parties meet with the Field Office, DFG, and other regulatory agencies to better understand the wildlife program budget and what is the appropriate level of funding. There was no second to Orcutt's motion.

Manji questioned what happened on June 30?

Manji moved for the TMC to direct the TRRP to convene a meeting with the regulatory agencies and TMC co-managers to develop an outline and plan with a cost breakdown that will meet all environmental compliance for future projects for fiscal years 2007 and 2008. The motion was seconded by Orcutt.

Schleusner: Some of the storm water runoff provisions for Hocker Flat cost \$50,000, but we don't expect to need that and may be able to do it cheaper in the future due to improvements in floodplain excavation by a competent contractor who minimizes sediment releases. The Canyon Cr. suites, Indian Cr., hatchery gravel injection are most obvious projects. If there is a change in costs, they could update the out year costs (up or down).

Orcutt: We need to have some schedules here. Our top priority should be to have something in advance of next year's budget meeting and if there are immediate savings to be had, they could be realized now.

Manji's motion carried unanimously.

Action Item:

FY2006 Budget:

Schleusner gave a PowerPoint presentation on the budget, including criteria for funding.

There is \$600k of 2005 funds unspent from USFWS and avail for 2006, because they were not received until late July. Some projects were not obligated. There were also salary and relocation savings from not filling employment vacancies. BOR provided \$690k in extra year end funding, which are to be used in two ways:

- Fully obligate construction contract bid values (Hocker Flat/Poker Bar roads)
- \$165k changed cost authorities from FWS to BOR, increasing carryover from USFWS funds from 2005 to 2006

****Net Result is greater flexibility in FY 2006.

There were no new projects funded, which helps to preserve TMC discretion.

The Energy and Water appropriations bill was approved by the House and Senate, but still hasn't gone to the Conference Committee. The Fish & Wildlife Services' appropriations bill signed already (Interior Appropriations).

Overview:

- \$11.26 million is planning target, used to be \$10.6 million.
- Reinstate \$285k to Indian Cr. for matching funds for the DFG grant.
- Use more earmarked funds for RIG to increase rehab projects and gravel project.
- Finalize \$285k for the TMAG budget for critical projects using previously developed criteria.
- Hold program administration constant (verify and update costs but no new projects/tasks).
- Rig increases \$472,000
- TMAG increase \$127 + \$39k for non-fisheries

General discussion of the budget:

Schleusner: We are reducing the funding needs for some projects in 2006 because they were paid off in 2005. We also have carryover that hadn't been programmed in for the June 20 TMC budget.

Solbos: The most important RIG priority is to get prepared for 11kcfs plus 10 year tributary flows, then other key parts like channel rehab and coarse gravel augmentation. The program will be ready for 8,500 cfs flows this spring, maybe even the 11k + 10 year flood (covered in \$1.3 million). What did suffer in the June 20 budget was \$285k that kept us from awarding a contract for the Indian Creek Project in FY 2006 and no coarse gravel augmentation. \$2 million was also delayed for other channel rehabilitation contracts. The coarse sediment project is both a channel rehab and gravel replacement project combined at the hatchery. Greg Pasternak modeled 1000' of the river at this location to show how it would work to maximize adult and juvenile habitat. Approximately 7,000 yards of gravel would be combined with a proposed channel rehab project. This will allow the river to react more naturally and not just blow out; though this project isn't a priority.

Orcutt: When did this change, and why did it not happen sooner?

Solbos: We discovered in late 2005 that the Lewiston hatchery gravel project couldn't happen the way we had planned, so we had Greg Pasternak design it. We basically didn't have the information we have now. The gravel management plan report is due in 2006. There is an estimated deficit of 100,000 cubic yards. The next rehab site is 1000 yards downstream, but this isn't identified.

Whitridge: Friends of Trinity River was in a good mood. Byron Leydecker was apparently supportive of the project. The NEPA lead will be the USFS. They may be able to waive the 401 certification through USFS Best Management Practices and Management Agency Agreement.

Brock: This is at the top of the list of priorities for the USFS.

Wittler: This isn't the typical gravel augmentation project. This is an exception due to modeling and the fact that it's the headwaters of the anadromous reach. A Complex design was done because it's a high priority and that area will only get adequate flows to move gravel in about 4 out of 10 years; conversely, we have assurances that gravel will remain 6 out of 10 years. We expect immediate habitat results. The widening of the channel will allow slower water during higher flows.

Lagomarsino: This is an example of a project which wasn't part of the ROD. Was the channel rehab subcommittee asked about this project?

Wittler: No, but we will assemble that subcommittee to review it.

Lagomarsino: I feel lost without a recommendation by the channel rehab subcommittee.

Solbos: On the ground there are 104 potential channel rehab sites compared to the 47 sites the ROD recommended. This is not atypical, as sites are constantly being re-evaluated. The question is whether it is gravel augmentation or channel rehab project? Which is it?

The requested supplemental \$6 million is for floodplain relocation & protection work to ensure that a flow of 11k cfs + 100 year tributary can be achieved. If the TMC doesn't go for this project, TRRP staff would like to pay off the 2007 construction contract budget.

Wittler: On June 28 and June 30 there were meetings about the reallocation of \$285,000. It was allocated as such:

RIG- non-fishery

- GSTARS for Indian Cr. Modeling;
- More for overhead and personnel;
- More USGS temp gauges which will get us real time temp data;
- USGS sediment monitoring for more samples;
- \$34k more for herpetological studies due to error; it originally was in the RIG section for 2005, but is now in the TMAG, so it shows as an increase. It's not a net increase, the funds will go to USFWS for a ½ time position for turtle monitoring.

Fishery changes

- \$28k for fish health to monitor Klamath River disease impacts on Trinity fish. This has been matched by a similar amount from the Klamath Basin office of BOR;
- TMAG mortality monitoring up from \$20k to \$25k;
- Rotary trapping up from March through September by \$110k; Nina's original; analysis said it was marginal, and it should cover the entire fall run;
- Adult migration up \$5k;
- Tribal harvest up \$10k;
- Weirs up \$18k to extend 1 month adult weir capture;
- Carcass redd surveys up by \$40k;
- Scale analysis up by \$20k, but this does not cover hatchery fish being that it is the wild stock we need data about.

A conference call was held last week with technical representatives on proposed changes.

Manji: How will we vote on the \$285k being taken from RIG? There are two issues such as; how to use it, or is it not OK to use the funds? If it is the latter, then it is not a valid vote. If we are either increasing or decreasing the budget it is an inappropriate vote to move \$285k from the RIG to the TMAG.

Long: There were 2 dissenting votes at the June meeting. Orcutt wanted to look at permitting costs.

Orcutt: Of the additional \$690k end of year funds added to the budget from BOR, 1/3 of those funds is to help monitoring, whereas 2/3's is to help construction budget.

Schleusner: BOR added \$600k, but we also have additional flexibility because other projects were paid. The program needs to be conscious about how to deal with year-end money. BOR had no obligation to extend this opportunity for additional funds. It was not designated for the TRRP, but we created opportunities to utilize the additional funds because we are able to produce. If we

send signals that we don't like it or want strings attached, the funding will go elsewhere. It is a godsend to get \$700k and be able to do some things while reducing the pain of making choices. I don't want us to send mixed signals.

Orcutt: What about the \$600k for water that we're not using?

Stokely: The County would like to see more funds in the RIG and really meet the 50% budgetary goal. We would also like to see funding go to watershed restoration and the Indian Creek Watershed which are not shown in long-term need for RIG funding. More funds are going into sediment studies than into watershed restoration itself. It is unacceptable to have more funding on studies than implementation for watersheds. The County cannot support this budget which is heavy on studies, but I will abstain from the vote to not stand in the way if the rest of the TMC will support it.

Stokely: He will check with watershed folks regarding "full program" costs for watersheds, which he doesn't believe is reflected in this budget.

Stokely: We need to reserve funding for the temperature model development in case the contract doesn't go through. Doug and Priscilla explained this can come out of USFWS carryover funds so can happen in 2006.

Hillemeier: We need more money for scale analysis, which I am glad to see more funding for that, but it would have been nice to be able to meet to discuss it.

Manji: 25% constant fractional marking is being done by HVT and must be done in entirety. Scale analysis is also very important. If those jobs don't get done, I can not support this budget. It may have to go out to bid or take funds from other projects.

Long: We have two issues on the table; how to make use of \$285k plus the additional funding.

Orcutt: I would like to see the additional funds split evenly between the TMAG and RIG, not the way that it is being proposed. Don't we have to rescind the motion to put the \$285k back into Indian Creek?

Long: No, we can fund it with the new money provided by BOR. It's all lumped together.

Orcutt: I would like \$645,000 in the budget for TMAG, which is the addition of \$223,000 to the TMAG budget from the RIG budget.

Hillemeier: It would be good to have channel rehab team look at Lewiston Dam project.

Arnold Whitridge noted that the funds can be allocated conditionally based on meeting certain requirements.

Stokely moved to accept the staff recommendation, and the motion was seconded by Gardner.

Gardner said that if the motion passes, it will authorize TRRP staff to move ahead. It also proves that TMC can use end of year money. In his real job as engineering division chief, if he had a project ready to go for \$600k, it would have been funded. The more flexibility they can give Schleusner's office, the better it is for future funding.

Manji: All members won't be here tomorrow (BOR won't be present), so we need to move forward with this issue. If this group cannot pass a budget, the decision will go to BOR and USFWS. I would like us to make a decision today.

There was a general discussion about the flexibility for RIG vs. TMAG budget. If the Lewiston gravel/rehab project doesn't fly, the program could just put money into another RIG project. It was questioned whether the budget is a planning document or an exact document to be adhered to regardless of how conditions change.

Lagomarsino feels uncomfortable with this issue.

An amendment to the motion was made by Stokely, and this move was seconded by Gardner. This amendment would accept the budget as proposed, but hatchery gravel/rehab project will go to subcommittee for review and approval. If there is not an agreement, then funds would go into another RIG project.

Hillemeier: The marking project at the hatchery needs to be done at 25%. HVT says they need more funding for it. Also the age composition project is short in funding.

Wittler: \$90k isn't necessary; we only need \$55k.

Schleusner: Both Tribes are going to the area manager to negotiate government to government contracts and he may make a decision that may or may not be the same as what is in this budget.

A 10 minute break was called to caucus on the motion at hand.

Stokely amended his motion to take \$300k from Lewiston Hatchery project if it does not happen and place \$250k of the funds for the Canyon Cr. and/or Indian Cr. mainstem projects and \$50k to watersheds. Gardner accepted the amendment to the motion.

Hillemeier wants 25% marking and age composition done. He would approve of the motion if those tasks were taken care of.

Solbos pointed out that the ebb and flow of the TRRP funds will likely ensure that the jobs get done.

Long: Will the 25% marking get done?

Wittler: Yes.

Manji wants an amendment with a clause that the TMC recognizes that 25% constant fractional marking at the Trinity River Hatchery and scale reading/age composition be completed, and if not the work can not be accomplished with identified funds; then the TMAG has the authority to find those funds within its own budget.

Stokely and Gardner agreed as motion makers that the TMAG has the authority to get the job done with existing TMAG funds for constant fractional marking at Trinity River Hatchery and age composition.

Orcutt: Where did the \$350k figure come from for constant fractional marking? \$340,500 is what HVT has proposed to TRRP for the item. Scale analysis/age composition was proposed at \$72,500 by HVT, not \$95,447, although USFWS has a small line item in the budget.

The motion was approved 7 yes votes to 1 no; HVT was the dissenting vote.

Meeting adjourned at 5:15pm.

**Complete Minutes of the
Trinity Management Council**
Meeting of September 21, 2005
Yurok Community Center, Weitchpec

TMC Members Present: Mike Long, Acting Chair, *USFWS*; Doug Schleusner, *TRRP Executive Director*; Bill Brock, *USFS*; Irma Lagomarsino, *NOAA Fisheries*; Dave Hillemeier, *Yurok Tribe*; Mike Orcutt, *Hoopa Valley Tribe*; Tom Stokely, *Trinity County*; Neil Manji, *CA Dept. of Fish & Game*

TMC Members Absent: George Gardner, Acting BOR representative

Others Present: Gil Saliba, *Redwood Regional Audubon Society and North Coast Environmental Center Liaison*; Joe Polos, *USFWS*; Joshua Allen, *Trinity Co. Planning NR Div.*; Rod Wittler, Priscilla Henson, Ed Solbos, *TRRP*; Robert Franklin, *Hoopa Valley Tribal Fisheries*; Curtis Anderson, *DWR*

The meeting was called to order at 8:30am.

Irma moved to send a letter to BOR thanking them for end of year funds. Stokely seconded the motion.

Orcutt: It is disappointing that there isn't enough funding for the program. We are faced with the dilemma of having to choose between construction and monitoring programs, which causes conflict. I will probably vote against the motion out of principle. There needs to be a way to improve this. It needs to be more systematic in regards to the use of extra end of year funds. Construction projects receive large sums easily, but monitoring projects do not. There needs to

be parity between construction and monitoring. We are still pondering permitting vs. science in wildlife and approving more for wildlife than is necessary and I object to it. I will vote against it due to the dilemma.

Long: There is room for improvement in the budget process. If we have time before the end of the day, we will discuss refinements to the budget process.

The motion passed with 6 in favor; HVT abstained. Motion Passes

Information Item:

Program Evaluation Report Update:

Schleusner referred to his memo of September 1, 2005. He met with the subcommittee about 10 days ago. About 6 people have met several times to share information and keep the recommendations visible. He updated Table 3 as a result of the most recent meeting with the group. Table 2 condenses Table 3 in one page; Table 1 is his own brief summary of progress.

Tim Hayden, Curtis Anderson, Joe Polos, and Tom Weseloh are the members of the subcommittee that he has been meeting with.

Lagomarsino: How do the issues track with the recommendations?

Schleusner: Refer to Table 3 and you can see the recommendations and a reference to the page number in the original subcommittee report.

Schleusner then went through Table 1 and summarized the status of each (refer to Doug's memo Tables 1-3).

Orcutt: One of the reasons there wasn't a wildlife meeting was that there were other things going on like the principals conference. How much staff time is dedicated outside of the TRRP like expert witnesses, or hurricane Katrina disaster relief work?

Schleusner: Those are the 2 only instances that have happened in the 4 years I've been here. Rod Wittler has been assigned to the San Joaquin River litigation as an expert witness; The Regional Director and the Solicitor's Office requested his involvement because he was involved in the San Joaquin River in his prior job. Rod felt this was an obligation he could get it done if he worked on weekends. There is a cost authority from the Central California Area Office (Fresno). I tried to push back and was able to keep Rod from participating in a field trip after Labor Day. Regarding the Hurricane Katrina disaster relief efforts; DOI had a quota of 500-600 employees for 6 months. Several staff expressed interest in participating and they talked to the Regional coordinator. There will be 30 day assignments which are likely to occur in a staggered manner so that they aren't gone at the same time.

Orcutt: I understand that Reclamation employees may be called for other tasks.

Schleusner noted that the principals' conference was before all of these other things came down. Orcutt asked for assurances from Doug that these issues won't affect the work program. Schleusner said he thought the work would get done.

Schleusner: Diana Clifton will be working in my office starting Nov 13. She is a realty specialist who will bring delegated authorities from the Regional Office with her.

Orcutt: When will there be enough positions at the TRRP office?

Schleusner: As the pending positions are filled, we will be largely there. If we receive the one time supplemental appropriation of \$5-6 million for floodplain related costs, there might be some term appointments or details, but unless that happens, we will be fine with what we expect to have. Over time, staff would decrease as major construction projects are completed.

Orcutt: Will the new staff positions help with contracting?

Schleusner: Priscilla Henson was promoted and is now a Grants and Agreements technician as well as a budget assistant. Most of the signing authority is in Shasta or Sacramento, but she is able to do a lot to move grants and agreements ahead. One option would be to have a Contract Office Technical Representative with Rod's staff so that his staff could do more of their own work and not do contracts. That position isn't in this budget, but they are looking for a way to do it.

There was a general discussion of the North Coast Regional Water Quality Control Board involvement as CEQA lead agency. Dean Pratt has been assigned to do the work as the CEQA lead for the NCRWQCB.

Solbos: They could save a lot of money if excessive mitigation measures such as storm water prevention measures aren't required because they don't really apply in this situation.

Curtis Anderson: The subcommittee is basically done. What are now needed are more meetings with Flow Study authors communicating with TRRP staff to ensure adequate implementation of the Trinity ROD. Thank you Doug for taking the time for those discussions.

Lagomarsino asked Joe Polos, Rod Wittler, and Robert Franklin about how they think it is going.

Polos said it is a good thing to meet regularly and progress is being made.

Franklin reported that he is aware that Schleusner has made a considerable effort to do the job. It is very complex and involves a lot of people which requires a lot of communication. He is encouraged at how they are beginning to approach this on a team level and the TMC should be encouraged. He can see that the staff is aware of the big points on the screen to make things better.

Wittler: The engineering side is going well on designs, but we are struggling on the science side to provide input on designs and monitoring and evaluations. The urgency to get science in place

does lead to some of the communication problems because they have to move ahead quickly with designs.

Schleusner: The American Fisheries Society can provide peer review of proposals for a fee.

There was a general discussion of integrating peer review into science program, as well as how TMC members can be better informed about TRRP activities and how participants in the program can improve communications.

Schleusner will prepare for the November TAMWG meeting and the December TMC meeting, an outline or discussion of how to better integrate meeting schedules, identification and formalization of subgroups, individuals involved, time frames, meeting notifications, etc.

Anderson suggested meeting summaries of the various subgroups so that others not in attendance are better informed. The more effective communication as a group, the more trust there will be.

Franklin suggested having standing committees with members appointed by the TMC and TAMWG.

Wittler expressed frustration over the past month regarding communication. The TMAG was created to be the interdisciplinary group. The old Technical Coordinating Committee of the Trinity River Task Force didn't work because the people on it were financially interested. The TMAG was created because they are financially disinterested. He is fully in support of the subgroups, but they need clear role definitions; are they voting committees, led by TMAG? What are the roles?

Anderson: The report says that the TMAG and RIG get input from various committees, but they are not required to accept it. It can be overruled by the TMC if desired.

Orcutt supported formalization of the various sub groups and processes. He also suggested going beyond the B-Team budget group. There are severe deficiencies in the area of fisheries management.

Manji mentioned that in the past, DFG has received year-end funds through a multi-year agreement for weir monitoring, so monitoring projects do have the opportunity to receive year end funds.

Stokely: The watershed portion of the program is grossly under-funded; it's supposed to be \$1-2 million/year. I along with others who have been involved in watersheds for many years feel like the hiring of Mary Ann Madej was an effort to put off the watershed restoration program to a study program, which was affirmed by her statement at the TAMWG meeting that basic watershed activities still need to be further evaluated as to whether or not they work. Several of us watershed advocates are now discussing forming our own Trinity River watershed group outside of the TRRP because there really is no leadership here that we had hoped for. We do intend to put together a realistic "full program" budget for FY 2007 and beyond.

It's really discouraging that there is more money being spent to study dirt than to prevent it from going into the river. There is a huge amount of local expertise in the watershed and tributary restoration area which isn't being fully utilized and the program is losing credibility in some circles because of the lack of a priority for the watershed program. The total exclusion of the South Fork Trinity River from funding through the program is based on a subjective interpretation of the 1998 Solicitor's Opinion that Trinity County doesn't agree with, and this further undermines the credibility of the TRRP by basically excluding a third of the basin. That being said, we are using the funds we are getting to leverage other funds. The Indian Cr. and Weaver Cr. watershed restoration projects are being leveraged by the \$150k in 2005 thru the DFG Fisheries Restoration Grant Program. We could use more. Our fear is that we will run out of funds for watersheds before the work is completed. This program can provide matching funds to obtain supplemental funding and we are working on that.

Manji: Watershed proposals for Grass Valley Creek and other areas may not have been highly competitive. You should use this group to find out what are the best projects to submit for funding to DFG.

Information Item:

Science Framework and Monitoring Plan:

Wittler gave a PowerPoint presentation on the Science Framework and Monitoring Plan. The question seems to be how do we scientifically assess the management actions prescribed by the Flow Study or How do we tell if what we are doing is working and how do we change our actions based on that knowledge?

- Predicting fish production as a result of our efforts is the capstone of the science framework.
- Pillars are fish census, habitat, fluvial geomorphology and riparian recruitment
- Foundations are stream gaging, sediment transport, temp microhabitat, riparian recruitment and wildlife.

The draft is due Friday, but it won't be complete, which will probably take a month. There will be Scientific Advisory Board review and comment once it's done into December

Solbos gave a PowerPoint presentation on implementation actions. At Hocker Flat the contractor is doing a great job avoiding turbidity and reducing costs. Erick Ammon is an 8A contractor out of Salyer. There are no mercury problems.

Schleusner said a bulletin board was put up; no phone calls have been made about sediment releases or excessive turbidity.

Stokely: We have had no complaints due to lack of muddying the river. Are there plans for revegetation of tailings/spoils?

The answer was a “Yes”.

Stokely said his department is interested in working with the TRRP staff on keeping invasive plants out of the site.

There was a general discussion on the Indian Creek project and implementation schedule thru 2009.

The Poker Bar Roads project bidding process will be opening at 2 pm today (Sept. 21, 2005). The cost of the project is estimated at \$300,000. None of the prospective contractors bothered with a site visit. TRRP called all contractors within 100 miles, but they are not sure who will respond until the bid opening. If there is little competition, then higher costs can be expected.

The Floodplain Structure inventory is almost done. There were 98 properties identified from Lewiston Dam to Weaver Creek that may be affected by high flows, out of which 48 sites were visited. Of those 48 properties, there were 21 issues needing to be addressed that consist of 13 pump houses and wells needing replacement and 4 structures needing to be moved such as decks, barns, & garages. There will be a well replacement grant program that will be administered by Trinity County. Although these structures need to be moved or replaced, there are no deal killers as of yet to achieve the 11k cfs flow. The Chancellor’s property just upstream of Weaver Creek and the Little Yellow House has a garage that must be moved by next spring, and the same goes for Ann Jordan’s mobile home.

Orcutt: If there is a well, are they pumping out of the river?

Solbos: Yes, though most of the time it is not a direct diversion, but rather water drawn from the river flowing through a geologic substrate. There are 200 wells that are possibly affected, and it is hard to determine incremental damage.

Stokely: Abbey Stockwell, our Americorps Watershed Stewards volunteer from my office has been doing the field reviews of private property and is doing an excellent job. There is a draft MOU between the County, FEMA, and TRRP regarding floodplain issues. Ed Solbos would like to get FEMA to review and approve the MOU before the County considers approval.

Anderson thanked the TRRP for their involvement with the design work for actual construction.

Stokely thanked Solbos and his RIG staff for their floodplain maps which will be useful for control of development of new structures within the floodplain. The log cabin at Poker Bar is in non-compliance, but Building Department cannot cite them for failing to adhere to elevational requirements for the structure until there is concrete evidence of a violation such as a final elevation certificate submitted by the landowner.

Information Item:

Update on Fish Returns and River Conditions:

The TMAG gave a report about the potential Fall Pulse Flow. The establishment of criteria for the fall pulse flow was put into place in June. The predicted returns and flow in the river were the criteria for release of the pulse flows using real time monitoring of temperatures, fish population density, and fish behavior. Disease as a criterion is not in the list, because by the time disease is identified, it's too late.

Currently, the runs are below average, the discharge at Terwer Creek on September 12 was over 3,400 cfs, which is higher than the 2,200 and 2,500 cfs flow recommended by both the Yurok Tribe and Hoopa Valley Tribe, respectively.

Temperatures at Terwer Creek were less than 22 C° after September 1st, were 18.5° C on September 15th, and were less than 20° C after September 15th.

There were no reports of excessive mortality. Another week might be needed for the water to flow down to the Lower Klamath once a recommendation is made. Also few dead fish were found, there were no instances of ich or columnar is, and monitoring is ongoing.

The question was raised, should there be a pulse flow? The answer is that it is unlikely in 2005 being that there is not a recommend a pulse flow unless conditions change substantially.

Orcutt: What happened to the 20,000 AF of water?

Schleusner and Wittler did not know the answer to Orcutt's question. There are differences of opinion as to whether the water can be carried over or not, and this is a non-resolved issue. This would be a good question for Russell Smith.

Orcutt: How can we get an answer about the extra water?

Schleusner: The water probably can not be carried over. I will contact Russell Smith and get a final answer for you on that issue.

Manji: Are you going to complete the tasks identified?

Wittler: I'm unsure.

Manji: The TMC directed staff to look at the various issues, but other issues need to be addressed, such as getting together with the Klamath Office of BOR to deal with other issues not related to the Trinity River. The issues are the pre/post-flow monitoring plan, indirect consequences of flows, alternatives, Klamath and Trinity River hydrographs are all things that still need to be examined. We are not finished in regard to assessments.

Sara Borok, an employee of DFG gave a presentation on very preliminary information in regard to this year's Chinook run. Numbers were gathered via weir operations, carcass surveys, redd surveys, hatchery escapement, and in-river harvest.

The 631 sport fish quota for fall Chinook in the Lower Klamath was met, but the 631 sport fishing quota has not been met within the rivers above Weitchpec; there has been possibly 12 fish caught in the Trinity River so far.

It was predicted that the fall run there would be 74,200 this year. The average year usually consists of 107,000 fish for the fall Chinook run, with 17,000 grilse (jacks) being the average. The sport fishing quotas in the lower river were met 9/10/05, 1/27/2004, and never met in 2003.

Fish appear to be a little late this year; there were no adult fish until the last 2 weeks. There are fresh Chinook still currently coming into the mouth of the river at Requa.

Manji: Based on quota, how does DFG develop regulations to extend fisheries as long as possible? They only allow retention of adult Chinook 2 days a week, which allowed that extension to happen. We tried to get past the Labor Day weekend, and we did. Our limits are 1 Chinook per day with a maximum of 2 fish caught and retained per week, which equates to increased opportunity for sport fishing.

Orcutt: Where does catch and release mortality come into play?

Borok: We took 10% off the top (closed at 568/613) for mortality.

Schleusner: Upriver in the spring flows, there was no delay in the flows this year for the opening of the fishing season. How is DFG dealing with this?

Manji: Klamath-Trinity fishing regulations are coming up for review this winter. Emergency regulations could be requested if regulations are not in place by the opening day in late May. I'm not sure that the F&G Commission would adopt it as an emergency regulation, but they may deal with it for the following year. They may decide to open fishing earlier or have it open all year; there are different approaches to the issue.

Borok: Most fish were less than 22 inches in the Lower Klamath in 2003 which stands out and tracks with 2004. Next year's 4 year olds may be OK next year, but the 3 year olds may be bad last year. 2003 had a strong run, but had a low grilse count.

- Willow Creek weir shows good numbers; there was a good run of grilse in 2004 at Willow Creek.
- South Fork Trinity Spring Chinook are at 72 this year, which is well below average, but slightly better than in 2004. In 1964 there were over 11,000 South Fork spring Chinook.
- Junction City weir numbers are very low compared to past year. Low grilse numbers.
- September 1st is the approximate cutoff date between the spring & fall runs at Willow Creek.
- Trinity River Hatchery numbers are similar to 2004. Grilse numbers are very low at the hatchery.
- The Salmon River had 83 fish compared to 429 last year. There was high cold water, conditions were good, but there were few fish.

- Shasta River Weir had 107 fish, though it is too early to tell, it's similar to past years, but a little late.
- Bogus Creek, one fish, similar to past year.
- Iron Gate Hatchery (IGH) has 134 fish, not registering yet as compared to past years. No grilse at IGH.
- Within the ocean fishery, there are substantially lower numbers than last year, but it's still ahead of the 2003 harvest.
- The low numbers may lead to a disaster designation.

Brock: Does DFG think the low run size may be due to a lack of upwelling along the coast?

Manji: We are not sure.

Borok: Chinook numbers are still estimations, there are lots of steelhead.

Manji: It is probably peaking on the lower Trinity now for fall Chinook. We have seen coho in the river for about the last 2 weeks.

Hillemeier: The catch per unit effort is much lower for Yurok Tribal fishers, especially during late August. Closures are 1 am – 6 am in the estuary, and are closed Mondays at 6 am to 6 am on Wednesday. Efforts are down, being that people are concerned about the toxic algae and what it might do them if they eat those fish. This is the first occurrence in several years that there has been NO commercial fishing in the estuary.

Orcutt: Approximately 1,200 adult Chinook have been harvested by the Tribe. There was not a lot of opportunity in May for tribal fishing due to high spring flows. Weirs, CWTs, creel census, and such which are funded by this program allow this harvest management to occur.

Manji: Megatable is accounting of age, run, and area of adult Chinook salmon runs.

Orcutt: They had a letter that was distributed to the TMC opposing reduction of the floor of escapement for fall Chinook by the Pacific Fisheries Management Council.

Hillemeier: Amendment 9 was passed by the PFMC in the 1980's so that the floor of escapement was established. The analysis shows that the Maximum Sustained Yield is probably better at 40,000 fish, which is higher than the current floor of 35,000 adult fall Chinook.

Discussion Item:

Director's Budget Authority and Discretion:

Schleusner gave an overview of the issue paper he prepared regarding principles, operational necessities, practical examples, initial recommendations, controlling documents, and USBR budget policies (as a USBR program manager, he has a lot of rules and regulations to obey). He noted that the budget is only an estimate. It's really a program of work and a slate of priorities.

Schleusner said that the TMC should have an opportunity to provide input to his annual performance rating.

Schleusner also said his office should have the discretion to adjust funding requirements as necessary to meet the program of work identified in the budget spreadsheet or other manner such as a narrative. The RIG and TMAG should be able to exercise some discretion to use savings in one project to offset overages in other projects. There are often short time frame opportunities that require rapid decisions that are difficult to involve the TMC in on short notice. There is an extra \$500k in the Senate version of the TRRP budget that might get signed into law, they'll need to discuss how to allocate that money among the TMC. He doesn't have a dollar or percent threshold to give to the TMC as to when the TMC should become involved in a budgetary decision.

Orcutt: Where do you fit in the concept of deficit spending for construction projects?

Schleusner: Currently we need \$2.7 million for the Indian Cr. and Canyon Cr. projects. We have \$285k in budget and possibly \$750k from other grants through DFG and USEPA, which still leaves \$1.5 million in construction contracts that have to be paid out of next year's budget. The TMC has had an opportunity to weigh in on it through approval of the budget.

Orcutt: What if the TRRP budget is reduced to only \$5 million a year? Would it be OK to just spend money on construction and nothing else?

Schleusner: If the budgeted funds came in that low, the TMC would have to re-evaluate the ramifications of a cut that significant.

Orcutt: Within the context of this document, how would you fit in the experience of this year were you handed over \$700,000 in extra money?

Schleusner: We'll work within the options available to us, but also strive to preserve options for the TMC. We didn't do anything with the year end money that was counter to what the TMC wanted us to do; we gave the TMC more flexibility.

Orcutt: How do you get flexibility in getting \$100,000 for say, the CWT and scale analysis?

Schleusner: That is a good and difficult question to answer. They will have to be made on a case by case basis with my staff and the Area Manager.

Orcutt: One of the areas outside of the box is closer collaboration with the TMC for out year planning.

Lagomarsino said she is pleased with the direction this is going. Most of Orcutt's questions are embedded in Schleusner's initial recommendations. She expressed some concerns about new projects such as the Lewiston gravel/habitat project and the amount of discretion the office should have in approving and funding that.

Schleusner: Once we can get the approved budget, we can do a more detailed spreadsheet looking at the individual costs (such as out-migrant trapping projects by HVT, YT and USFWS).

There was a general discussion of budget information: i.e. provide actual costs for previous year's work compared to estimates.

Hillemeier said he would like to see a list of priorities so that if there are budgetary changes, he can see how they relate to priorities.

Schleusner: It's hard to document priorities if additional money comes in because some projects can use more money due to contract modifications, rather than prioritizing the start of new projects.

Stokely: It is hard to provide actual costs of previous year's budget because it's not done when the new budget is being reviewed and approved (for instance Trinity Co. just got an agreement this week).

Long: I would like to see more discussion among a smaller group of the TMC to discuss a priority list for additional funding. Has the program ever considered a contingency fund?

Schleusner: It was considered 2 years ago, but it didn't last long because most of the funds are needed when in hand.

Manji had nothing to say about the issue.

Anderson said he also works on the Battle Creek working group. This year they set priorities for the program which has moved the program ahead in leaps and bounds. He will send an e-mail to Manji and he can send it out as an example of what the Battle Creek Working group has done.

Lagomarsino moved to form a TMC subcommittee to review Schleusner's initial recommendations related to TRRP's budget authority and to discuss ways in which the TMC can improve the budget planning process for 2007. The motion was seconded by Manji, there was no discussion, and the motion was approved unanimously.

Lagomarsino will chair the subcommittee. Hillemeier and Stokely volunteered to serve. She will send an e-mail to all TMC members and also to the TAMWG chairman. This item will go on the next TMC agenda.

Regular Business:

Approve TMC Minutes: June 21-22, 2005

Edits: Page 15, line 673, should read "deficit spending" instead of "deficient spending". Page 7, line 296, should read "The likelihood of an adult kill is much lower due to more rain, we are facing a lowered run this year, so it is unlikely we will have a problem this year".

Stokely moved to approve the minutes of June 21-22. The motion was second by Manji, which was approved unanimously with no opposition.

Report from Executive Director: Program updates

Schleusner distributed an Executive Director's written report. Brian Person will be the designated TMC representative for BOR, and the TRRP has a TMC membership and alternates list on the website (<http://www.trrp.net/>).

Orcutt noted that the budget for 2007 has been submitted to the Administration. He was wondering about the Operation & Maintenance money for hatchery work. One of the last things Mike Ryan did was to give Schleusner authority to go above the traditional \$7 million funding request. It's the first time to have the opportunity to budget for what the real costs are.

Open Forum: Comments from the public

Tim Hayden gave out handouts the on monitoring of fish runs.

Calendars: Confirm next meeting date and location

The next TMC meeting will be December 13-14 in Weaverville: The agenda will be focused on the review past accomplishments for the previous years.

Meeting adjourned at 3:10 pm.