

Draft Minutes of the 9/25/02 Trinity Management Council Meeting
At the Victorian Restaurant, Weaverville

TMC members present: Michael Ryan, Chairman, Bureau of Reclamation; Ralph Modine, Trinity County; Tim Ramirez, State Resources Agency; Mary Ellen Mueller, USFWS; Troy Fletcher, Yurok Tribe; Mike Orcutt, Hoopa Valley Tribe; Bill Brock, USFS; Irma Lagomarsino NMFS; Doug Schleusner, TRRP Executive Director

Others in attendance: Tom Stokely and Janet Clements, Trinity Co. Planning; Bob Sullivan, Andreas Krause, Daryl Peterson, Brandt Gutermuth, Deanna Jackson, Ed Solbos and Glenn Yoshioka, TRRP Field Office; Bill Mendenhall and Curtis Anderson, DWR; Russell Smith, USBR; Randy Brown, Charlie Chamberlain and George Guillen, USFWS/Arcata; George Kautsky, HVT; Scott McBain; Cheri Miller, USFS; Monty Currier, Steve Turek and Neil Manji, DFG; Arnold Whitridge, The Public; Serge Birk, CVPWA; Jeff Phipps, CVP Power Customers; Dave Hillemeier and Tim Hayden, Yurok Tribe; Noreen Doyas and Kelly Sheen, TCRCD; Tom Weseloh and Byron Leydecker, CALTROUT; Todd Bedrossian, HVT; Anita Andazola, USFS/Redwood Sciences; Dana Hord and David Steinhauer, Trinity River Rafting/Trinity Co. Chamber of Commerce

Introduction

Doug Schleusner introduced the newest employees of the Trinity River Restoration Program including Deanna Jackson, Administrative Assistant; Ed Solbos, Implementation Branch Chief; Daryl Peterson, Branch Chief for monitoring and analysis; Brandt Gutermuth, Environmental specialist; Andreas Krause, Hydraulic engineer; Bob Sullivan, Wildlife biologist; and Glen Yoshioka, Fisheries biologist. There are currently 3 other positions pending.

Additions to the agenda: Troy Fletcher requested that action on the Klamath fish kills be discussed. Updates on the court hearing and the Trinity River Basin Fish and Wildlife Restoration Grant Program were also added.

Ralph Modine made a motion to approve the minutes from 3-5-02 with no additions or changes. Mary Ellen Mueller seconded the motion and the minutes were approved.

Open Forum

Byron Leydecker offered comments on behalf of California Trout Inc. (see attached comments). CalTrout has filed a complaint/objection with the North Coast Regional Water Quality Control Board (NCRWQCB) regarding the TRRP's proposed gravel placement project (Lewiston Cableway Project). CalTrout feels that these projects are premature until the return of water flows is established. He said these mainstem projects make no sense without increased flows. Comprehensive gravel management must be done before the projects start, however, this is made difficult because there are a number of different flow scenarios that could be assumed. Mechanical restoration projects without increased flows will result in the de facto implementation of the Mechanical Restoration Alternative or the SMUD Alternative analyzed in the EIS/EIR, both of which are insufficient. Byron asked that the TMC consider watershed rehabilitation and tributary restoration throughout the entire basin, including in the South Fork

and New River watersheds. He also asked that the TMC take a look at the budget and programs for next year for things that will achieve things here and now. The program needs to take every possible action to restore fisheries throughout the entire basin. Without more water, if the program continues to focus only on the mainstem, it will lose the vital support of fisheries organizations like CalTrout.

Brandt Gutermuth, BLM, gave an update on the status of the Hamilton ponds project (see attached handout). He reported that the ponds were dredged in mid-September by the Trinity County RCD. The cost of dredging approximately 8,000 yd³ of sediment amounted to \$36,000 (\$4.50/yd). The permits are already in line for next year and they are hoping to make this more of a routine maintenance activity. He has already seen salmon in the ponds this year. NMFS recommended that the Trinity River Technical Team should be doing review for permits and we are headed in that direction. The Hamilton Pond Technical Team recommends that different options to increase efficiency and storage of the Hamilton Ponds be fully evaluated. Brandt recommended that the TMC support the Technical Team in determining the feasibility of reconstructing the Wellock Pond site. Fish passage, storage capacity, acquisition, and cost need to be evaluated. The Technical Team would like to research on-the-ground designs that might increase the effectiveness of the Hamilton ponds. The modification/reconfiguration of the existing ponds to trap sediment more efficiently would also be evaluated.

Tom Stokely asked whether there was adequate money in the program budget for all of the activities associated with the Hamilton ponds that Brandt had mentioned. Brandt is unsure of where the funding would come from. His report was not a request for funding from the TMC.

Brandt reported that the annual sediment delivery from Buckhorn Dam to Hamilton Ponds needs to be analyzed, however, 35,000 yd³ were removed when the ponds were dredged in 1998 and only 8,000 yd³ were removed this year. Scott McBain said that there is an estimate but he did not have it with him. Annual sediment delivery is dependent on runoff and is a function of the water year.

Tom Weseloh of CalTrout spoke on his concern with the current fish kills on the Lower Klamath River. He reported that we are losing our fish by the thousands and that most of them are likely Trinity River fish. Thousands of Chinook salmon have been counted, and numbers of both steelhead and Coho have been identified. It is a relatively good run this year and thousands of fish are dying daily, having a very severe impact on river restoration. We cannot allow this in the future. Fish limits are not the answer. We cannot piecemeal restoration efforts. We need to look at the Trinity and Klamath Rivers together, and expand our efforts to the tributaries throughout the basin. We must coordinate efforts on Klamath side. We need to be proactive. Flows should be highest priority.

Irma Lagomarsino, NMFS, joined the meeting and was introduced.

Fisheries Update

Neil Manji, CDF&G, introduced Monty Currier, the new CDF&G employee stationed in Weaverville. He has been in the office for six months and is running the Junction City weir. Neil reported that the fishery in the lower river was good this year and 7,000 fish have been taken in

the Lower Klamath. The peak has just past in lower river, and the fish are in the area before Weitchpec. Adult steelhead fishing in the lower river has been excellent this year. 3,500 were counted compared to 2,200 last year. CDF&G and the Hoopa Valley Tribe put in the weir at Junction City on June 19, 2002. It was removed September 23, 2002. 740 spring run Chinook (including jacks) were counted this year, compared to 740 counted last year. 86 steelhead were counted on the lower river as compared to 129 last year. The fall run is beginning to come up the lower Trinity. They had a hard time getting the weir in by Clove Flat at Willow Creek, which resulted in a 2 week delay. The count began on September 5th. To date, 270 fall run Chinook have been counted. Last year at this time 948 had been counted. Eleven Coho have been counted this year, compared to only 1 last year at this time. 370 adult steelhead have been counted compared with last year's 250. Approximately 70 percent of the steelhead counted were of hatchery origin. The Willow Creek weir will be taken out in near the end of November. George Kautsky, Hoopa Valley Tribe, reported that the fall Chinook fishery is low for this year. They are hopeful that they are coming, they just have not arrived yet. Troy Fletcher stated that the numbers are more likely lower due to the fish kills on the Klamath and that the fall run probably is not coming.

Bill Brock, USFS, reported on the summer steelhead counts on the North Fork and the New River. On the North Fork, 1,000 adult and ½ pounders were counted and this year on the New River was the highest count ever. Neil saw similar numbers on the upper Klamath, in Clear Creek, Dillon Creek, and Wooley Creek.

Tom Stokely reported that Coho juveniles have allegedly been found in the Hyampom valley, in Butter Creek, Hayfork Creek, and Eltapom Creek.

Neil Manji does not think that the delay in getting the weir up at Clove Flat has made a big difference in comparison numbers to last year. He is fairly confident that very few fish were missed.

Lower Klamath River Fish Kill

Troy Fletcher reported that thousands of fish are dying on the Lower Klamath, most likely destined for the Trinity and it's tributaries. He requested that the TMC ask the BOR to take action immediately in terms of increased flows. He feels that the TMC should insist that the BOR consider impacts to Trinity River stocks when developing long term plans. He stated that NMFS is condoning actions of BOR. The BOR's plan includes releases down the Klamath that are too low. The BOR has provided the lowest flow releases on record for the months of August and September. BOR reclassified the water year on the Klamath mid-season and he feels that this is why fish kill has happened. He blames BOR and NMFS for letting them do it. Each year, there will now be a window open for BOR to re-classify the water year, due to man-made droughts and too many diversions. The TMC needs to make a decision on the importance of flows in the Klamath. He requested that the TMC ask for increased flows in Klamath. He feels that NMFS and BOR need to be aware of how fragile system is and that we need to get away from single species management and move toward an ecosystem approach.

Neil Manji gave report on what CDF&G and the Hoopa Valley Tribe has been doing in response to the fish kill. As of Friday, they had counted upwards of 1,600 adults over a 33 mile stretch. By Tuesday that number had risen substantially. In one section alone 63 dead fish were counted on Tuesday and 700 were found in the same spot on Friday.

FWS has also had crews out counting. George Guillen reported that the raw counts as of yesterday amounted to 10,000 fish. Most fish counted were Chinook, however, both hatchery and wild Coho were found in the Blue creek vicinity. Suckers, Steelhead, and Dace have also been affected but in much lower numbers. FWS has been taking temperature readings in the mid-morning. The water has stayed between 19-21 degrees Celsius. They are analyzing data in order to find what led up to the current conditions. Gill rot is probably the main cause of the fish kill. The disease spreads easily in these conditions due to the high numbers of fish in a small area. Any stressed condition, including high water temperature, pre-disposes fish to the disease. Once fish are infected, they will die. There are still live fish in river, which may be indication that the disease is slowing down, however, this is still largely unknown. Once fish contract the disease, they usually have two to six weeks before death.

Tom Weseloh stated that the increased flows would decrease density, helping the Trinity fish to move up river where the conditions are better. George Guillen stated that it is documented that increased releases will improve situation. He feels it will help. Troy Fletcher feels that something needs to be done now for the fish coming into the system. The Coho are starting their run now. Water needs to be increased.

Tom Stokely reported that the science used by the BOR for lowering flows was also questioned in the National Research Council Report on the Klamath. BOR was allowed to lower flows even though the NMFS Biological Opinion did not allow it. There is an inconsistency in that flows can be decreased mid-season on the Klamath, but they cannot be increased on the Trinity if the water year changes to a wetter year. Another inconsistency is that contract deliveries to Westlands were increased by 15% (55% to 70%) during the season this year, despite the water year remaining as a dry year on the Sacramento.

Tom stated that Mike Deas has monitored water quality throughout the Klamath basin. He wanted to set up a website where data on Klamath could be housed. If this had been funded, this could possibly have been prevented. What can we do in future to prevent this?

Troy Fletcher reported that Mike Deas did do temperature modeling on the Klamath and the BOR had that information. The threshold, which was 1,000 cfs, was ignored by the BOR and this was allowed by NMFS.

Irma Lagomarsino emphasized that the NMFS Coho Needs Report explicitly states that it does not apply to Chinook, and should not be construed that way by BOR. The NMFS opinion requires 70 percent exceedance criteria for water year determination. It does not explicitly prohibit changing the water year type mid-season, however, it does not specifically allow it either. She does think that re-classification is at the heart of the matter. The BOR has a take permit and therefore there is no Section 9 violation. NMFS will evaluate the biological opinion and reports prepared by various agencies including the tribes, CDF&G, and FWS.

Guillen reported that information is still being collected by FWS in order to determine whether or not there is a disproportionate amount of hatchery fish dying as compared to wild fish. If they are in initial stages of disease, some fish may be able to spawn if they have been infected, but most become too weak and stressed and won't make it. This is significant fish kill, one of the worst FWS has seen, in terms of both numbers and the importance of the fishery. Dissolved oxygen levels are being analyzed in order to determine temperature thresholds. Contaminants do not seem to be an issue as this has not been an indiscriminate kill, however, ammonia levels are being tested. This type of fish kill is more typical for an industrial area. Increased flows would help to lower the density of fish in the river, while getting them to move up where they are safer. Dilution will lower stress. Not many juveniles have been counted as dead, yet they are easy to miss while counting. It seems that they would be as susceptible as adults.

Troy Fletcher would like the TMC to send a letter to the Secretary of the Interior requesting an immediate emergency flow increase. He feels that there should also be a re-visiting of 10-year plan and a request that TMC be a part of its development.

Mike Orcutt is concerned with the implications of increased flows. There are many different resources agencies involved that have different obligations. He hasn't heard exactly what the right thing to do is.

Mike Ryan reported that based on a previous release in September 2001, it would take two days for Lewiston releases to affect temperatures in the lower river and we can expect a 2-2.5 degree Fahrenheit reduction. More information on is available at www.cdec.water.ca.gov. The codes used on the website are as follows: HPA Hoopa; LEW Lewiston dam releases; CLE Trinity Reservoir; TNL Trinity River downstream of Lewiston (monthly accumulation);

The end of the water year is September 30, and BOR had planned to stay at 450 cfs every day this week in order to stay within Judge Wanger's order of 469,000 AF for the water year that ends on 9/30/02. Mike is hopeful that there will be water available to put down the river this week while still meeting the 469,000 AF requirement. He is looking for options.

Break

SEIS/EIR

In the interest of time, the SEIS/EIR will be discussed in more detail next meeting. Russell Smith will put together a one page report on the SEIS/EIR and Tom Stokely will distribute it over to those on the TMC mailing list.

Letter to DOI

Troy Fletcher made a motion that the TMC recommend an immediate increase in flows from the Klamath and Trinity Dams and that those should be founded on tribal, state, and federal biologist recommendations; that NMFS and BOR revisit the 10-year plan and that the TMC be consulted in the development of any operation of these plans. He would also like to see paragraph about concern with fish kill

Troy stressed the importance of more coordination with Klamath activities. There is currently a discussion on the Klamath side of doing away with KMC and creating a larger group. The Trinity has not done this.

Tim Ramirez is concerned that everything is based on Coho, not the larger picture that includes other species.

Mike Ryan will sign the letter as the chair of the TMC on Management Council letterhead. He does not think that the BOR has the discretion to increase flows this year due to Judge Wanger's decision (total releases must be under 469,000 af), however the new water year starts October 1, 2002 and the BOR will have more flexibility. He is not prepared to support re-visiting BOR's 10 year Klamath Operations Plan. He thinks it is reasonable to support asking the secretary for flexibility.

Troy Fletcher noted that the Secretary already has flexibility and she has chosen to go with the 10-year plan. He feels that because of the water year re-classification, there is no flexibility left. However, the BOR does have its priorities and obligations. The Secretary can justify more water, and 30,000 dead fish should be enough of a justification. He is hoping that this group will make the moral and biological recommendation to increase flows. He feels it is important to take a stand and that we must do what we can in order to provide additional habitat for fish coming up.

Bill Brock suggested that we might even see bigger temperature results than the 2-2.5F reduction seen previously because it is later in the year. The sun is dropping rapidly and the days are shorter.

Mary Ellen Mueller is willing to support the request for an immediate releases. She is nervous about increasing flows in both the Trinity and the Klamath but will support it if the letter is clear about flow increases being based on the recommendations of federal, state, and tribal biologists. She cannot support re-visiting the 10-year Klamath Plan.

Doug Schleusner expressed concern with the process of the federal, state, and tribal biologist recommendations.

Troy Fletcher has had experience with a similar process on the Klamath Project and he feels that the process will be fine, provided that it is done without policy influence. On the Klamath side, there is rarely a big difference in opinion on what flows should be.

Doug Schleusner will have letterhead and logos ready for letter.

Tim Ramirez suggested we reword the initial recommendation to "consider re-consultation NMFS and Services' opinion and consistency with each other" but he doesn't think it should be taken off the table.

Mary Ellen would still be unable to support it with the words "consider re-consultation".

Mike Orcutt asked whether or not we could soften the language enough for NMFS and FWS support. He feels that the flexibility issue should be included in the letter as DOI has continued to increase water supplies South of the Delta, we need the same flexibility to release higher flows.

Mike Ryan suggested that the following format be used for the proposed letter:

1st paragraph: Express the TMC's concern with the dire situation of the Klamath fish kill

2nd paragraph: Report that the TMC has heard information today from biologists that indicates additional releases would help to alleviate the situation

3rd paragraph: Request that the BOR look for any flexibility to provide additional flows

4th paragraph: Request that the BOR consider new information to assist in their management decisions

5th paragraph: Request that the TMC be involved in these decisions.

Irma Lagomarsino feels that the issue of water year re-classification needs to be discussed. She is comfortable with request for flow increases if they are done to immediately protect concerns with Chinook salmon.

Ralph Modine is concerned that the Trinity is going to be the remedy for problems in the Klamath.

Bill Brock expressed agreement with letter because it is something that can be done right away

There was a short break while Irma held a caucus with Mary Ellen and Troy prepared the proposed motion.

After the break, taking into consideration each member agency's requests, Troy proposed the following final motion:

That the TMC support and request that the DOI increase flow releases from the Klamath and Trinity River projects immediately to address concerns regarding Chinook salmon. Such flow increases should be in accordance with recommendations from federal, state, and tribal biologists; and

That the BOR and NMFS consider new information and concern regarding the operation of the Klamath project including determination and classification of water year types; and that the TMC be consulted in the development of any operational flows.

Motion passed 7:1. Mike Ryan, BOR, voted against it.

There was a brief discussion on the methodology involved in the tribal, state, and federal biologist recommendations. It is important that biologists consider flows from both the Klamath and the Trinity and that they are not influenced by policy concerns. The group should not take into consideration where the flows comes from. The biologists will have to deal with monitoring concerns.

Break for lunch

Budget

Doug gave a report on the budget for FY 2003 (see budget handout). He summarized the budget process and lessons learned from FY 2002. The budget for FY 2003 is based on the assumptions that appropriated funds from Reclamation and FWS will be similar to 2002; the transition to hypothesis-driven funding proposals started in '02 will continue; and a new budget structure easier to organize, track and report will be implemented. The program intends to focus more on implementation. Available funding for FY 2003 is \$7,000,000 from BOR; \$2,290,700 from FWS; \$240,000 from the CVPIA restoration fund; and \$431,000 from CDF&G Coastal Salmon Recovery for construction of the Salt Flat Bridge. Doug highlighted the unknown factors in possible funding changes and suggested that the TMC focus on priorities in case funding is reduced. He suggested maintaining the essential activities in all 3 budget categories and would like feed back on areas where the budget could be cut back.

The budget team is hoping to interact earlier with the advisory group this year in order to have funding available to recipients in February-March 2003 and November-December 2003 for the FY 2004.

There was a brief discussion on concerns with gravel management and the current fish kill as they relate to the budget. Troy Fletcher would like to know what funds are available for the federal/state/tribal working group of biologists that was suggested in the letter to DOI. Doug feels there is enough flexibility in budget for the fish kill issue and it is obviously a high priority. Tom Stokely suggested that the budget team change spring Chinook mortality line item to fall/spring Chinook mortality. Doug suggested that money could be taken from the gravel introduction projects. The rehabilitation sites are still in the analysis stage and there might be some flexibility there. Troy Fletcher feels that there needs to be money for response and some for the report generated during monitoring efforts and fish kill estimates.

The Trinity Bridges Project has been identified as a high priority project this year. The gravel management plan is also identified as a high priority because it was envisioned as coming out in 2002. Displaying an element of control and recognition of work done by agencies that is consistent with but not funded by the program will help the coordination effort. This effort will help us to better set priorities and to avoid duplication.

Ralph Modine motioned that the budget team firm up numbers and address concerns and present revised budget to the TMC at the next meeting. Motion passed 7:0:1 with Mike Orcutt abstaining.

Tim Ramirez suggested that the TMC send representatives with Doug to the October 17th budget meeting in Sacramento where the annual work plan will be laid out. Serge Birk suggested that Doug will need support at the later meeting of the CVPIA Restoration Roundtable.

Tom Stokely reported on the status of the Trinity River Basin Fish and Wildlife Restoration Grant Program funded through the TRRP and administered by Trinity County (see attached handout). Tom explained the ranking procedure, presented the final prioritization, and made recommendations to the TMC to approve the recommendation of the technical review committee as follows:

Project	Applicant	Ranking
1. Deadwood Road Sediment Reduction Project	Trinity County	2.5
2. Lower South Fork Road Sediment Reduction Project	Trinity County- withdrawn	2.5
3. Oregon Gulch Migration Barrier Removal	Trinity County	2.29
4. Grass Valley Creek Watershed Revegetation	Trinity County RCD	2.25
5. South Fork CRMP Coordination	William Huber and Associates	2.25
6. Lewiston Turnpike Sediment Reduction Project	Trinity County	2.14
7. Healthy Watersheds and Salmon Habitat Education	Trinity County RCD	2.13
8. Gravel Quality Monitoring in the Mainstem Trinity River	Graham Matthews and Associates	2.13
6. Trend Monitoring of Pool Depth and Volume in the Mainstem Trinity River	Graham Matthews and Associates	2.00
6. Schneider Stream Corridor Improvement Project	Trinity County	2.00
7. Post Oregon Fire Water Quality Monitoring Project	Trinity County RCD	1.88
7. Private Landowner Assistance Project	Trinity County RCD	1.88

The TMC should:

1. Allow the \$20,000 from Lower South Fork Road to go to Oregon Gulch Barrier Removal
2. Allow USFWS funds to be used for the grant program in FY 2003 and in the South Fork Trinity

3. Subject to approval of appropriations and appropriate funding mechanisms, allow approval of all projects 1 through 8, and \$10,000 for South Fork CRMP coordination.
4. Direct that a new RFP be sent out in the mid- 2003 to solicit projects for FY 2004 funding. It will take several months to undergo a review process and receive approval from the TMC for subsequent projects.
5. Because BOR funds cannot be spent in the South Fork, FWS money will be used (if available) to fund \$10,000 of the South Fork CRMP, which ranked high among the project proposals.

Ralph motioned to approve Tom's recommendations. Mary Ellen seconded the motion. Motion passed 7:1; Mike Orcutt voted no based on the issue of the BOR not funding projects in the South Fork. He feels that diverting the funds just delays the problem that needs to be resolved.

Tom handed out a draft white paper explaining the causal linkage between the Trinity River and the South Fork. This issue will be further discussed at the next TMC meeting. Tom requested that comments be sent to him before that time. He feels this is a major policy issue that needs to be resolved by the TMC.

Report on May 2002 6000 cfs Releases

Scott McBain handed out Preliminary Geomorphic Results of May 2002 6,000 CFS Flow Release and summarized results (see attached report).
A report by Curtis Anderson, Department of Water Resources, was also made available.

Next Meeting

The next meeting is scheduled for Thursday, January 9th in Redding.

Director's Report

Doug Schleusner gave a brief presentation on the program's accomplishments for 2002 and the progress being made towards the elements of the ROD. He hopes to get a written report out within the next month or two. Everyone was invited to an open house at the new Trinity River Restoration Program office immediately following the meeting.

The meeting was adjourned at 3:47 p.m.
Members of the TMC stayed in order to finalize the letter to DOI.

Attachments:

1. Byron Leydecker's comments
2. Final letter sent to Gale Norton on the Klamath Fish Kill

**Trinity Management Council Meeting
September 25, 2002
Victorian Inn, Weaverville, CA
Remarks: Byron Leydecker**

CalTrout's Mission is “to protect and restore wild trout and steelhead and their waters throughout California.” Trinity River is the last remaining river in the state that potentially even has the chance for some significant restoration of these resources. And, the Trinity River probably is the only river in the United States below a federally taxpayer-financed dam that has that opportunity.

Since we are a fisheries advocate organization, some might ask, “Why has CalTrout decided to act to halt proposed instream projects?”

My concerns have not changed in the nine years since we shut down the bank feather and side channel construction program back in 1993. We act because these projects are grossly premature until a permanent, ultimately determined – by the Supreme Court if necessary – return of water flows is established for Trinity River.

There have been two constants in this history: The Bureau, with little or not even lip service to outside thought, forces people like me to act unilaterally. This is not how I would prefer to spend my time and energy.

And, the Bureau knows now that the chance of high flows is low - in the near term, if ever.

Until THE most integral element in the assumed functioning of these instream projects – a known increased water volume finally is determined and actually is returned to the river, these projects make no sense. To implement them without dependent water flows is not rational.

I provided comments both verbally and in writing to many of you here about my concerns and objections to this year's proposed instream project. These comments were ignored and the project moved forward. My choice then was limited to halting the project.

Also, until there is a comprehensive spawning gravel management plan in place, how can you even consider such action? And, until a permanent return of water to the river is known, how do you develop a rational gravel management plan? Would such a plan assume flows of 340 thousand-acre feet? Or, 120 thousand? The average 594,500 thousand that is reflected in the now litigation-stalled Secretarial Record of Decision? Or, like Judge Wanger, pick a number, any number?

So, until appropriate environmental reviews required by CEQA, NEPA, the ESA and other laws, as well as permanently decided higher flows are established, my position does not change from what it was nine years ago.

It also is cause for concern that construction of 47 mechanical restoration projects contemplated in the Record of Decision (of which two are planned for next year and some 24 appear to be scheduled for implementation in an initial three year period) without corresponding increases in flows will result in de facto implementation of the Mechanical Restoration Alternative or the SMUD alternative, both of which clearly are deficient in the extreme. Neither will come even close to restoring the river and its fishery. Neither will come even close to complying with every law ever enacted regarding the Trinity Division and its fisheries and wildlife.

I keep hearing from the Bureau and others in the Restoration Program that "we need some restoration projects on the ground." So I ask you to consider another issue. I ask you to look at the larger picture – to look outside of mainstem tunnel vision and to look at the entire Trinity Basin.

Look at rehabilitation of all watersheds, look at rehabilitation of all tributaries and the numerous other worthwhile productive projects “on the ground” that could and should be pursued.

The South Fork, the New River and many other tributaries where truly wild stocks of salmon and steelhead exist and are at risk have been impacted severely by construction and operation of the Trinity River Division. These cry out for and demand your attention.

Decreased ability to transport sediment in the mainstem, poor water quality in the lower Klamath by Reclamation's damming of both the Trinity and Klamath Rivers, hatchery dilution of native strains, increased harvest pressure on weak stocks, and tributary contributions to Trinity River fishery restoration goals are just a few of the linkages between the Trinity River Division and the South Fork and other tributaries.

The Bureau's failure to recognize or acknowledge these linkages indicates a program doomed to failure. Doomed neither to develop nor attract public support. But if you choose to do so, the TMC can step up to the plate.

We ask the Trinity Management Council to take a closer look at your budget and policies for the next fiscal year – a process about to begin. How much money are you approving for projects that achieve positive restoration goals here and now. And more important, how will you meet any restoration goals with no more water assured, no South Fork, other tributary and watershed funding, when even the ROD is purported to meet only two-thirds of the Restoration Program's goals?

Clearly, the answer lies in the South Fork, other tributaries, watersheds and numerous other positive projects. If this program is to restore fish runs – even partially - it will need to take every possible action including those out of the mainstem productive ones. If you fail to fund genuine, real "restoration projects," and you want only to continue focusing on mainstem symptoms, without more water, this program cannot be supported by CalTrout and by essentially all other sport and commercial fishing organizations in California.

My situation is unique compared to the rest of you. I am not being paid to be here. I receive no financial benefit - none - from the river or the Restoration Program. My activities largely cost me my own money. And CalTrout receives no funding from any government grant or contract program. My sole interest and CalTrout's is restoration of the river, its health and its fisheries - restoration of a river I've been visiting since I was a child in the 1930s.

I am not protecting my crops and crop subsidies, I am not protecting my water subsidies and I am not protecting my power subsidies. I am here for one simple reason - to see this river restored. I am hoping to continue to support this program, as I have in the past. But, you need to craft a program that can and will be supported by the fishing community - sport and commercial.

Some Program actions and intentions set forth by Douglas Schleusner in the materials before you today indicate some movement in a positive direction.

At this point, I'm unimpressed with the Program, yet still I'm hoping it will move in directions so that it can succeed. What will be the TMC's - your - response? Will you just toss me off as a loose canon, an uninformed disturber of the status quo - and then business as usual? Or, will you work on something most all of us can agree upon: positive restoration work during this lengthy period of litigation about giving back to the river what it needs - its water? That choice is yours, not mine.

*Byron Leydecker
Governor, California Trout, Inc.
Trinity Division
PO Box 2327
Mill Valley, CA 94942-2327
415 383 4810 ph
415 519 4810 cell
415 383 9562 fax
bwl3@attbi.com
bleydecker@stanfordalumni.org (secondary)
<http://www.fotr.org>
<http://www.caltrout.org>*

September 25, 2002

Honorable Gale Norton
Secretary of Interior
Washington, DC 20240

Dear Madam Secretary:

With this letter please be informed of the Trinity Management Council's serious concern regarding the current fish kill on the Lower Klamath River. The current fish kill on the Lower Klamath River is unprecedented. Never before has a fish kill of this magnitude been observed. The Trinity River Management Council is charged with the management and restoration of Trinity River fish populations. Many of these fish would have likely returned to the Trinity River. As a result, this fish kill will have a major impact on the Trinity Management Council's activities and the success of the Trinity Restoration Program.

In light of the current critical situation the Trinity Management Council recommends that Department of Interior increase flow releases from the Klamath and Trinity River Projects immediately to address concerns regarding Chinook populations in and entering this portion of the Klamath River. These flow increase should be in accordance with recommendations from Federal, State and Tribal biologists.

The Trinity Management Council is concerned that this fish kill may have, in part, occurred as a result of a "single species" management approach that fails to account for other species of fish that rely on the Klamath River in addition to the threatened coho salmon for which the lower Klamath is managed.

To help prevent this situation from occurring in the future, the Trinity Management Council recommends that the Bureau of Reclamation and the National Marine Fisheries Service consider new information (such as this fish kill, Hardy Phase II report, and the final National Academy of Sciences Report) regarding the operation of the Klamath Project and take appropriate action. In addition, the processes used to determine and classify water year types must also be clarified and reviewed. Finally, due to the impact the Klamath Project has on the Trinity River Restoration Program objectives, the Trinity Management Council should be consulted during the development of any plans for the Klamath Project.

The Trinity Management Council knows that you appreciate the dire situation that has developed here and offers any assistance necessary to help address this tragedy.

Sincerely,

/s/ Michael J. Ryan
Michael J. Ryan, Chair
Trinity Management Council