

TRINITY MANAGEMENT COUNCIL MINUTES
Trinity County Board of Supervisors Chambers, Weaverville Library, CA
Wednesday September 26, 2007

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

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

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

Others Present: Arnold Whitridge, *TAMWAG Chair*; Tom Weseloh, *TAMWG & CALTROUT*;
Gill Saliba, *Northcoast Environmental Center & National Audubon Society*; Rod Wittler &
Priscilla Henson, *TRRP*; Randy Brown (*TAMWG DFO*)& Joe Polos, *USFWS*; Sheri Miller,
USFS; Robert Franklin & George Kautsky, *HVT*; Tim Hayden, *Yurok Tribe*; Bill Brock, *USFS*;
Teresa Connor, *DWR*

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

The meeting was called to order by the Chairman at 9:14 am

Regular Business:

Introduction: Validate agenda items;

Thursday's Fisheries Update was truncated.

Schleusner gave a logistical overview of the field trip on the agenda.

Long explained that there would be no formal breaks, so folks should feel free to get up and
break when needed, and there would be a working lunch.

Introduction: Approve TMC minutes from June 20 meeting and September 17, 2007 conference
call;

Approval of the minutes was moved to the first item on Thursday.

Open Forum: Comments from the public

Gil Saliba, as a representative for his respective organizations, thanked and commended the
Executive Director and his Program Staff for working hard to implement the Record of Decision.
Now that at least 50% of the projects are underway, they are concerned about the science aspect
of the program. It's important to implement the AEAM aspects of the program to evaluate

5 what's been done; though their concerned about funding levels. NEC and Audubon fully support
the letter from TAMWG to the TMC. In particular to the budgeting process, elements for
10 AEAM are being cut, such as riparian and wildlife aspects of the program. They are now 1%,
but should be 2.5% to 3%. They should be more fully funded And they would like to see the
science program with more funding so efforts are made to make a well balanced science
program.

Report from TAMWG Chair

15 Three recommendations from the September 11 meeting of the Trinity Adaptive Management
Working Group:

The TAMWG recommends that implementation activities (channel rehabilitation, watershed
projects, gravel augmentation...) be given priority for new or redirected funding in 2008.

20 The TAMWG recommends that the TMC include the TAMWG chair or his designee as a
non-voting TMC member in all TMC functions.

The TAMWG recommends that the TMC work to expedite the process for appointment and
25 re-appointment of TAMWG members and alternates.

Thanks for your September 19 letter responding to the TAMWG's June 19 recommendations.
In the interest of effective TAMWG-TMC dialog, which we continue to think is important for
the long-term success of the Trinity restoration program, the TAMWG hopes that the TMC will
30 in fact discuss the recommendations that it has not yet discussed, and that TMC responses will
usually arrive prior to quarterly TAMWG meetings.

Orcutt: Has the TAMWG discussed HR 2733 and do they have a position on it?

35 Whitridge: The TAMWG discussed it. It appears a large majority of TAMWG members support
it, but they understand that it's not legal to take a position on legislation, except that they can
send it to Interior and the TMC, which they haven't done. TAMWG generally supports it, but
it's not a formal position. Two members testified in support of it in DC.

40 Orcutt: I encouraged the TAMWG to make their views known, especially as it relates to the
budget. I suggest looking at the Administration's testimony at the budget because they are only
asking for half of the funding. The science component of the program is inadequately funded.

45 Whitridge: The TAMWG has suggested a larger budget on at least 6 different occasions. They
have consistently suggested that the TMC find a better way to get the budget.

Tom Weseloh said he testified as a member of TAMWG, but not representing TAMWG. The
TAMWG has been clear that they support full program funding.

50 Orcutt suggested that the TAMWG let Interior know they support more funding and HR 2733,
because the Administration doesn't.

5 Hillemeier asked if having a TAMWG member on the TMC; would this create a FACA problem?

10 Long: Members can be added, but they should be agency folks. I agree with the intent of what the TAMWG is recommending.

Whitridge said as a non-voting member he doesn't think it's a problem from a FACA perspective.

15 Sharon Heywood said FACA is not agency specific. The USFS has several FACA chartered committees. She doesn't believe it's illegal for those groups to lobby. They may be putting barriers in front of themselves that don't exist.

20 Long asked Randy Brown to investigate the FACA implications of adding a TAMWG member to the TMC and whether the TAMWG can lobby Congress, if not is that a FACA or charter limitation?

25 Brown said he has investigated both the charter and FACA. The charter is clear that members must report to a specific federal entity. They are not to report to anybody else outside of that entity. As far as individuals representing their own interests, they are free to do so.

The topic of regarding the above will be brought back to the TMC on the December agenda after all the relevant information has been obtained.

30 Doug wanted to reiterate Arnold's statements about the TAMWG appointment process. The goal is August 2008, well in advance of the fall election campaign. The TMC or DOI representatives should strongly encourage keeping this thing moving forward. The first time this happened, the TAMWG disappeared for a year.

35 Whitridge: Randy and Vina are well positioned to keep the process progressing; though they could use the help of those that also have contacts to move the process along.

40 Long: Steve Thompson had to go to DC Assistant Secretary's office the last time it occurred. He will work with Brian Person to keep it moving at the Regional level.

Report from TMC Chair

45 Long gave the Chairman's report. He thanked Person for his persistence and hard work for the Brown's Mountain Road Culvert Repair. He mentioned that attended the TAMWG meeting, which he thought was a good meeting.

There were five action points:

1. He has a written response to the TAMWG.

2. Polling the program participants on budget decisions has been done and is being collated.

- 5 3. TMC needs to provide direction to IAP authors on high level policy issues; there have been
conference calls scheduled and he hopes to take final action today.
4. TMC needs to initiate a process to come up with roles and responsibilities; we now have an
official response from John Davis and Steve Thompson. It's on the agenda.
10 5. Budget committee should look into using program dollars to pay for grants until
reimbursement is received. This topic will be on the December agenda.

Orcutt also asked about the status of the reimbursable grants.

15 Schleusner said that the contract language is being worked on in Denver that specifies a time
schedule for the use of the State grant funds. Because of the timing and sequence of funding, we
won't get the funds until 2008, so we will use Reclamation appropriated dollars to cover the
initial months of payments, and then the grant money will be used in 2008 to cover the expense.
Thus, there is no advance of federal funds for the projects funded by the State, and the money
20 shows up in the next fiscal year, not the current fiscal year.

Report from Executive Director

- 25 1. Summary: Primary areas of emphasis and accomplishments for the TRRP staff and partners
during the past quarter have included: 1) follow up on the TMAG portion of the DOI
approved budget for FY 2008; 2) award and administration of the Indian Creek channel
rehabilitation construction contract; 3) planning, design, and NEPA/CEQA compliance
actions for the Dark Gulch/Lewiston 4 rehab sites and Master EIR for Phase 2 sites; 4)
continued work on FY 2007 financial assistance agreements and obligation of year end
30 funds; 5) a series of executive briefings in Washington, DC and field tours for local officials,
and 6) preparing for resumption of work on Part 1 of the Integrated Assessment Plan (IAP)
later this fall.

2. General Program Administration:

- 35 • Public Education and Outreach: While education and outreach is always needed, the
recent combination of dry year flows, significantly lower lake levels, and major high
visibility construction contracts has made it even more important. To provide accurate
information in a proactive manner, members of my staff and I scheduled a series of field
40 tours for local homeowners, program partners, and elected officials. The local paper also
published an article that I prepared in response to concerns raised in several letters to the
editor. Collectively, these efforts have been successful, helping to answer the many
questions (most of them curious, very few contentious). The overall attitude about the
Indian Creek channel rehab project has been very positive and reflects well on everyone
45 who has had a part.

In a somewhat different setting, earlier this summer I was invited to Washington, DC,
along with NCAO's Area Manager Brian Person, to brief Reclamation and DOI officials,
OMB representatives, and staff members of the House Committee on Natural Resources.
In two days we participated in five different briefings where I was able to describe the
50 significant progress made by this Program since the signing of the ROD, with special

emphasis on accomplishments of the last 3-4 years. Reaction was uniformly very positive.

- **Draft Legislation H.R. 2733:** On September 18, the House Committee on Natural Resources conducted a hearing on the Trinity River Restoration Fund Act, submitted by Congressman Thompson. The intent of the bill is to provide steady and higher funding levels than currently realized through the appropriations process. Witnesses included: Hoopa Valley Tribal Chairman Marshall, Yurok Tribe's Policy Analyst Troy Fletcher, NCPA's Jim Feider, Cal Trout's Tom Weseloh, CVP Water Users Association representative Ara Azhderian, and Reclamation's Commissioner Johnson. Testimony of the witnesses can be viewed at the Committee's website via the following link: http://resourcescommittee.house.gov/index.php?option=com_jcalpro&Itemid=54&extmode=view&extid=97 Most of the witnesses were strongly in favor of the legislation, while Reclamation expressed concerns over the funding mechanism used and its potential impact on other restoration priorities in the Mid-Pacific Region.

- **FY2007 Budget and Year End Funding:** On August 28 we learned that the replacement funding for the Browns Mountain Road/culvert repair had been secured and approved by the Region. After a series of calls and emails with Acquisition Services we agreed upon a number of simple and time efficient requirements that had the highest probability of being processed within the very short amount of time still remaining in the fiscal year. These actions were primarily option years within existing grants, agreements, and/or contracts, and some modifications to existing AFAs. It is important to note that the last of the Region's cutoff dates were in late-June and early July.

Approximately \$990,000 was available for year end obligation (\$550,000 for Browns Mountain, \$180,000 from the Klamath Basin Area Office, \$160,000 from a cooperative agreement for channel rehab site design that couldn't be completed due to grants.gov posting requirements, and about \$100,00 of otherwise unobligated funds). The following items were submitted to obligate these year end funds:

- 1) \$235,000 for sediment monitoring; option year in existing contract with Graham Matthews & Associates;
- 2) \$130,000 to the Trinity County Resource Conservation District for watershed coordination (two option years @ \$50,000 = \$100,000) and Hamilton Ponds Dredging Supervision (two option years @ \$15,000 = \$30,000); both tasks are within an existing cooperative agreement;
- 3) \$155,000 to the USFS Redwood Science Lab for wildlife monitoring (\$130,000) and IAP participation (\$25,000); an option year in the existing Interagency Agreement;
- 4) \$100,000 to Trinity County for six months of the estimated FY2008 TMC Participation, this is a modification/extension of their existing grant;
- 5) \$39,500 to DWR for six months of the estimated FY2008 TMC Participation, this is a modification/extension of their existing cooperative agreement;
- 6) \$25,000 to USGS (Ned Andrews) for Science Advisory Board participation as option year/task order in existing Interagency Agreement;
- 7) \$80,000 to Yurok Tribe for two rehab site designs; this is a modification to their FY2007 AFA;

- 5 8) \$56,000 to Hoopa Valley Tribe for a genetics study of fall and spring run Chinook;
 this is a modification to their FY2007 AFA
 9) \$181,000 of Klamath Area Office funds for the ESSA Science Framework contract.

10 Together these requisitions add up to about \$1,000,000. Within this amount, about
 \$775,000 will provide needed flexibility in FY2008 as direct offsets to approved tasks
 (\$1,000,000 - \$160,000 (rehab design) – \$65,000 (FY2009 option year for RCD). Final
 figures will not be available until Acquisition Services has approved and executed the
 submitted requisitions, but it appears very likely that all of these will be completed by
 this Friday, September 28.

- 15 • FY2008 Budget: At the March 28-29 meeting the TMC approved Program
 Administration (including RIG and TMAG salaries) and Implementation components of
 the FY2008 budget. The TMC was unable to reach agreement on the project portion of
20 the TMAG component, and this issue was elevated to the Secretary's designees for final
 resolution. Mike Long (FWS) and Brian Person (Reclamation) met on July 13 and
 requested my participation. They reached the decisions documented in their memo of
 August 2, 2007 (see handout in folder). In summary, Core Habitat Assessment and
 Rehab Site Monitoring were considered as a combined activity and funding was
25 increased by \$120,000 for a total of \$200,000; Redd/Carcass Surveys were initially
 increased by \$25,000 followed by an additional \$35,000 later; Wildlife Monitoring was
 decreased \$25,000 to \$130,000; Fry Survival was decreased by \$60,000 (to \$0), and
 Office Operations (Program Admin) was decreased by \$60,000.

30 Based on the FY2007 year end obligations described above, I am recommending a
 proposed allocation of these newly available funds in the updated FY2008 budget
 spreadsheet. Recommendations have been solicited from the TAMWG and now from the
 TMC for consideration. The DOI designees will then revisit the FY2008 budget to
 finalize where/how to apply these projected savings.

35 The FY2008 federal budget is highly uncertain. As of September 10, neither the Energy
 and Water or Interior and Environment appropriation bills have left committee and gone
 before the full Senate. The House version of the Energy and Water bill maintains the
 Trinity program as requested in the President's Budget at \$7 million in Water & Related
40 and \$1 million from CVPIA Restoration Fund. The introduced Senate bill adds \$2
 million to Water & Related. Once approved by the Senate, differences will have to be
 resolved in conference committee. We just learned today, September 25, that a
 Continuing Resolution has been introduced in the House that would take us through
 November 16. There is again some talk of an omnibus spending bill, with the threat of a
 Presidential veto.

45 FWS Disposition of FY2008 Funds: Reclamation and the Program Office have continued
 to work with FWS to aid in the one year transition to the new approach announced by
 Mike Long earlier this summer. This has resulted in FWS transferring their FY2007
50 funds to Reclamation as they have in the past using an Interagency Agreement (IA), but
 with fairly specific instructions regarding types of tasks that their authorities cover. The

5 IA was completed last week in the amount of \$1,071,000, and will be used to fund rotary
screw trap operations, weir operations, and portions of fish health monitoring and
redd/carcass surveys in FY2008. Reclamation will use these funds to execute
cooperative agreements and AFAs for agreed-upon tasks. In FY2009 the Service will be
10 positioned to use tribal AFAs, cooperative agreements, or whatever instruments are
needed to fully obligate and manage their own funds. The FY2009 budget development
process will need to account for this arrangement.

- 15 • FY2009 Budget Development: A budget process questionnaire/evaluation has been
circulated with a request for comments. The results have been compiled and summarized
in a handout for this September TMC meeting. Approximately 10 responses were
received, with a fairly wide divergence of opinions. Many think that the FY2008 process
was better than the year before, but there still remains much room for improvement.

20 3. Rehabilitation Implementation Branch:

- 25 • Channel Restoration Sites: The construction contract for the Indian Creek Rehab Site
was advertised and awarded in mid June (\$1.9 million), with construction starting in mid
July and all elements completed by October except for gravel processing and delivery in
FY2008-2009. This brings the total number of rehab sites constructed to eight. The
Design Team met several times this summer to finalize Dark Gulch/Lewiston 4 design
concepts needed to complete the draft EA/EIR on schedule. An internal administrative
draft is being circulated now, with the public review draft planned for later in October,
which will lead to a final EA/EIR and signed decision documents in January 2008.
Locations and conceptual designs are being developed for the "Remaining 8" sites in
30 Phase 1, and the current schedule calls for construction contract award in September
2008. With their completion in 2009, this would bring the total number of sites
constructed to 24. Our ability to meet this aggressive schedule depends on sufficient
funding for rehab site design and construction as shown in the update FY2008 budget
spreadsheet.
- 35 • Dark Gulch Site Design: While the Lewiston 4 component of the NEPA documents and
site designs for this project are moving ahead on schedule, a new alternative for the Dark
Gulch area was identified at the last IDTeam meeting. Project Engineer Joe Riess will
describe this issue in more detail in his presentation. In summary, there is a difference of
40 opinion which alternative should be identified as the Proposed Action of the EA/EIR.
The new proposal, which is designed to create a much larger area of potential habitat,
involves an extensive side channel, gravel processing operation, construction of a new
bridge, and possible alterations to the existing Bucktail Bridge, along with associated
realty actions. TRRP staff believes that if this alternative is advanced, we will be unable
45 to meet the necessary milestones to award next spring. Several significant policy issues
are involved and need to be considered by the TMC.
- 50 • Gravel Augmentation: The second phase of last year's Hatchery gravel augmentation
project (6,500 tons) was completed on September 14. This material, along with 1,500
tons stockpiled at the USFS Diversion Pool site and 1,000 tons stockpiled at the CDFG

Sawmill site, was processed at the Indian Creek rehab site and is planned for injection during next year's high flows (May 2008). Approximately 25,000 tons is scheduled for each of the next two years, also coming from the Indian Creek rehab site.

4. Modeling and Analysis Branch:

- Conceptual Designs for Channel Rehab Sites: Based on direction from the TMC in April, TMAG staff and technical reps from other partners have invested a great deal of time to develop and refine conceptual designs for Dark Gulch/Lewiston 4, the Remaining 8, and the initial projects for Phase 2. There has been widespread participation by TRRP partners, and significant progress has been made during the summer months. Questions at the TAMWG meeting suggest a need to do a better job of informing the public and partners about increased efforts to integrate science into channel rehab implementation. We have established a tracking mechanism that summarizes all aspects of implementation, including concept, locations, alternatives, permitting status, analyses, predicted outcomes, review, adaptation, and coordination with the IAP.
- Scientific Framework and Integrated Assessment Plan (IAP): An updated schedule was presented at the June TAMWG and TMC meetings, and has since been revised. The IAP steering committee has met several times in recent months to prepare for an aggressive resumption of activities including completion of Part 1 edits and a series of workshops this fall, winter, and next spring. IAP Workshop #0, wrapping up Part 1, and planning Part II, is scheduled November 6-8 in Weaverville. These IAP tasks and schedule require continued high level of involvement by many individuals, and the Program Office requests the support of the TMC principals by assigning staff to this effort.
- IIMS: In early August members of the ESSA team working on IIMS (Integrated Information Management System) presented new functions, conducted training, and worked with TRRP partners to plan tasks for the next quarter. IIMS continues to show substantial progress, with much interest from the cost-sharing offices (Klamath and San Joaquin). At least nine data sets are established and populated (including streamflow and temperatures, redd counts, and realty information) containing over one million records. The MP Region is also showing interest in using IIMS to track progress of all CVPIA restoration efforts.
- Fish Health and Late Summer Flows: Representatives of CDFG, FWS, and TRRP reported to the TAMWG on September 11 that earlier concerns about a potential fish die-off have moderated due to lower ambient air temperatures, lower water temperatures, and maintenance of Klamath River flows at about three times their 2002 levels. Fish health monitoring indicates relatively low levels of disease. Timing of the fall run seems to be later than expected.
- Watershed Restoration: The implementation process is off to a very good start. A grant was recently awarded, initial projects have been proposed and screened, and the grantee is now working to implement the first set of projects. Funding will enable this portion of the program to increase in scale; the process is now in place.

- Water Year 2006 Sediment Monitoring: The final data report is complete, and in the hands of the TMAG for analysis. Preparations for 2008 flow scheduling will start in the near future.
- Pre-construction Habitat Monitoring: This summer's efforts at Indian Creek were very successful. Four methodologies for assessing habitat are now being compared: EHM, 2-D, Bio-monitoring, and Bio-mapping. Comparisons will be presented at IAP Workshops #1 (January 15-17, 2008) & #2 (March 4-6, 2008).
- Data Collection and Analysis: We are pursuing data and reports from previous years. Historical cross-sections and sediment transport data are going into IIMS. There are a number of outstanding reports for outmigration surveys, carcass/redd surveys, EHM, and miscellaneous reports that are in the final drafting stage.
- Contracting Actions: The Science Advisory Board is under contract for 2007-2008. A planning meeting is scheduled in October. The Outmigrant Review contract has been awarded to North State Resources and their sub-contractors, ESSA Technologies, and Dr. Carl Schwarz, Simon Frasier University. The draft report is scheduled for December, with the final completed in January 2008. The contract to extend ESSA Technologies role in the IAP has been awarded.

5. Recent Events and Meetings (Periodically refer to website calendar for updates):

- June 25-July 20 – Rehab Site Field Trips, Phase 2
- June 26 – IAP Steering Committee Conference Call
- June 29 – G2G meeting, Hoopa Valley Tribe and Reclamation; Shasta Dam
- July 2 - G2G meeting, Yurok Tribe and Reclamation; Weaverville
- July 10 – IDTeam Meeting for Remaining 8, Weaverville
- July 13 – FY2008 Budget resolution meeting, DOI representatives, Weaverville
- July 25-26 – Briefings for DOI officials, OMB, Congressional staffers; Executive Director and Area Manager; Washington, DC.
- August 1 - G2G meeting, Yurok Tribe, Reclamation, and FWS; Weaverville
- August 3 - G2G meeting, Hoopa Valley Tribe, Reclamation, and FWS; Weaverville
- August 7-9 – IIMS training and planning workshop, ESSA; Weaverville
- August 15 - IDTeam Meeting for Phase 2, Weaverville
- August 16 – Field briefing for OMB Examiner and Reclamation Budget Director; Whiskeytown overlook
- August 24-26 –TRRP Exhibit, Trinity County Fair; Hayfork
- August 27-28 – Increased flows for Hoopa Valley Tribe ceremonial boat dance
- September 11 – TAMWG Meeting (including field tour of Indian Creek), Weaverville
- September 13 – Field tour of Indian Creek, Hatchery Gravel project for Trinity County Board of Supervisors
- September 17 – TMC conference call for high level policy issues

- September 18 – Congressional Hearing on H.R. 2733, House Committee on Natural Resources; Washington, DC
- September 18 – Field tour of Lewiston 4, Hatchery Gravel project, Indian Creek, for Forest Supervisor Sharon Heywood and District Ranger Kristy Cottini
- September 26-27 – TMC Meeting, Weaverville

6. Upcoming Events (Periodically refer to website calendar for updates):

- October 13 – Trinity County Salmon Festival, Weaverville
- October 16-17 –IAP Riparian “microgroup” workshop, Weaverville (by invitation)
- October 20 – Return of the Salmon Festival, Coleman Hatchery
- October 25 – NCRWQCB Quarterly Meeting, Triennial Review; Weaverville
- November 6-8 – IAP Workshop #0 (Wrap-up Part I; Plan Part II) Weaverville
- December 4 (tentative) – TAMWG Meeting, Weaverville
- December 12-13 (tentative) – TMC Meeting, Weaverville
- January 15-17, 2008 – IAP Workshop #1 – “Fish to Habitat” (F2H), location TBD
- March 4-6, 2008 – IAP Workshop #2 – “Habitat to Physical” (H2P), location TBD
- April 22-24, 2008 – IAP Workshop #3 – Part II Draft Compilation, location TBD

Schleusner handed out a hardcopy of the above report and discussed its key points.

Stokely extended appreciation to Schleusner for working hard on the County’s TMC participation funding.

Kautsky asked about the kiosk at the hatchery that is outdated and needs replacement.

Schleusner responded that he is working with his office, USFS, DFG and USBR to develop a cooperative display that’s updated and integrates the hatchery, TRRP, the NRA, the BLM wild and scenic corridor, and the Trinity River Division.

Miller mentions that they should also look at USFS campgrounds such as Mary Smith and others around Trinity Lake.

Hillemeier asked to include the Tribes in the effort.

Stokely asked to also include the County.

Schleusner the big challenge is how to condense the information to be a complete package. Fine tune the message and well thought out and integrated.

Lagomarsino expressed her appreciation to Schleusner for his report, and to both he and Person for the five briefings in Washington DC they gave in two days times. She also thanked the witnesses who testified at HR 2733.

Orcutt said he’s “reeling” from the different perspectives on HR 2733. The Administration offered testimony that the legislative package for a full ROD program that undermined it. He’s concerned that this information came from the briefing that we have enough money. The

5 watershed restoration component is grossly underfunded, as is the science portion of the program. He doesn't think the science program input to the restoration sites is adequate and timely. Do we get input, or in the end, is it the agencies' position given to Congress?

10 Long said he had no input into the briefings in DC.

15 Person said he and Schleusner were asked to come back to DC to give presentations to several different "groups" at Interior, House Resources, Congressman Herger and OMB. It was a status report on the program and its history. They did it with a PowerPoint that is unbiased and objective. Showed what has been done so far. There was some success shown and heavy lifting still to be done.

The Tribes have also been back to DC recently to give their position.

20 Person: The Administration testified against the legislation and the lack of Secretarial oversight on use of the CVPIA RF. They support funding, but not in this bill.

Lagomarsino asked if the PowerPoint could be distributed.

25 Schleusner said sure; he had already sent it to Kautsky and others.

Orcutt: The question about could the program use more funding; how did they respond during their briefings?

30 Person: During the briefings, they said more funding would accelerate funding of certain projects. It would also add surety, in the event of cost increases for things like bank rehab and gravel augmentation.

Berry asked to move HR 2733 up on the agenda today.

35 **Information Items:**

Update: Trinity River Legislation H.R. 2733
Summary of Sept. 18 hearing

40 There was discussion of a clause that the Administration supports language to allow the Secretary to adjust O&M funding. The other issue is how to backfill funds if capital repayments to repay the CVP aren't adequate. There are limited funds and the Administration is trying to find a balance for all the various restoration programs.

45 Weseloh said that the bill's authors are working to deal with the concerns of the Administration and the CVP water users. He understands the concern, but there is already discretion by Interior, and it's \$8 million/year. How would it not go back to the funding levels we have now?

50 Person: Kirk Rodgers had rescinded any mention of a \$7 million floor or ceiling. However, history will demonstrate that BOR had included about \$7 million/year for the TRRP. That goes in competition against other programs. In the case of HR 2733, capital repayments that would

5 otherwise go to the Treasury, will go to this fund. Those decisions are different from appropriations decisions.

10 Weseloh: Recognizing the distinction, how do we get the comfort level we need? Not knowing how much we might receive, people are uncomfortable. We need a dedicated funding source and reliable funding amount. It can be worked out, but will require other discussions.

15 Orcutt: Congressman Thompson introduced the bill with Rep. George Miller. Thompson convened a meeting on March 29. He thought there was clear consensus among water and power uses for \$16.5 million for the first few years, then \$11 million. The areas of non-support come from the San Luis-Delta Mendota Water Authority. We should be concerned with the genesis of this bill came from the San Joaquin legislation, which the Administration does support. The PAYGO issue has to be dealt with for Trinity and San Joaquin to get budget offsets to pay for it. One of the positive things was that Rep. Jim Costa said if the San Joaquin could meet PAYGO offsets, he might support offsets for Trinity.

20 Brian Person discussed the “unconstrained” full program budget developed for Senator Feinstein. The difference between that and the bill was lost somewhere.

25 There was a general discussion of the full program budget and HR 2733.

MOTION

30 Orcutt moved to endorse the cost estimates contained in HR 2733, which are \$16.5 million for the first five years and \$11 million per year after that.

The motion was seconded by Berry.

DISCUSSION

35 Sharon Heywood said she recalled a TMC discussion. She supports 100% funding for this program because it’s in her neck of the woods. She cannot lobby, vote, or take a position against the Administration. She struggles with taking a position or not has any real effect. Others can lobby the Congress and Administration.

40 Person said \$6 million for RIG and TMAG is \$11 million, so that’s \$17 million, not the number in HR 2733.

45 Long clarified that federal employees can’t take a position against the Administration, nor can they lobby Congress. The vote could be misconstrued as such.

Whitridge: We are stuck in a cycle of not telling the Administration what we need and not getting what we need. How can we get budgets in the future that are adequate?

5 Schleusner: Even in the out year budget request cycle, there are almost always budget planning constraints. Everybody has caps they have to work under. If not, there would not be enough money for all programs.

10 Whitridge: So you are unable to say you want a reasonable budget?

Person said you won't find stronger advocates for a more effective budget for the TRRP than himself and Doug. As they negotiate the budget each year, they perennially make a pitch for more funding than they get. Their mantra in DC is that good things are happening on the Trinity, yes more funding will help, and yes we can do more. He said they can be effective in ways other than voting at the TMC level. It's a 3 year budget cycle. They were asking for more money in 15 2005 for 2008.

Long: The TMC could change motion to say that \$17.5 million could do X, Y and Z.

20 Weseloh said he thanked the Commissioner for extra funding at year-end. The high number is only an estimate. The Commissioner said he's not hearing from his staff that the extra money is needed.

Mike Berry asked to have a motion developed with HR 2733 supporters and staff to vote on the 25 next time.

Weseloh: Maybe it's best to withdraw the motion and try to develop a motion for tomorrow.

30 Orcutt agreed to withdraw the motion to come up with one that is more acceptable to the federal agencies.

FY2007 End of Year Budget and Funding Update

Refer to Director's Report for details; Summarize end of year funds; Browns Mountain, Rotary Screw Trap Assessment, etc.

35 Schleusner reported that there are newly freed up funds in 2008 and he wants a motion to allocate them. Approximately \$829,500 is freed up for the 2008 budget that needs to be reallocated to specific projects. There will be a Continuing Resolution through November 16. More guidance will be needed because it's a CR based on a CR from 2007.

40 There was a discussion about use of DFG and EPA funds for Indian Cr. and Dark Gulch.

45 Orcutt said he was now OK with the display and use of the grant funds for the channel rehab projects (display the year it's used). However, he was concerned that the walk up table wasn't used because the funds were "manipulated" when extra funding was made available at the end of the FY. Rather than loaning it to the State Grant, we obligated it to Browns Mtn., which was later reimbursed, and the walk up table still wasn't used.

5 Long added in funding for a facilitator. He has some non-TRRP funds, but needs more. In terms of the process, the TMC couldn't agree on the TMAG budget. If we cannot pass a motion today, he and Person will make the decision.

10 Hillemeier wondered what the process was to determine which projects would get the leftover 2007 funds for 2008. It's always been a problem to do monitoring projects when the fiscal year ends. He has crews that need to go into the field next week, but there's no funding. Those should have floated to the top.

15 Schleusner said the short answer is can we get a unilateral modification of a grant agreement with a year option done quickly.

Hillemeier noted that they did receive a modification on one task, but not others in their annual AFA.

20 Schleusner stated that it partly depends on the funding source. The monitoring funding didn't come in because it's USFWS funding that they don't have. The RST budget is a placeholder.

25 Orcutt voiced his dissatisfaction with the budget process from last year. With the uncertainty of the continuing resolution, it'll dry up monitoring for TMAG and then it's circumvented to meet construction project needs. Most of the walkup table was TMAG items, but most of it went to RIG. He's concerned it'll happen again in 2008. He also opposes a General Fund as a placeholder.

30 Stokely complimented the FO for using year-end funds to implement on the ground restoration projects. Trinity County supports on the ground restoration and this is an appropriate use of the funds. Science is important, but not at the expense of restoration. This is a restoration program.

MOTION

35 [Stokely moved to support the recommendation, by the Field Office to use extra funding for FY 2008, in the amount of \\$830,000, as identified in the spread sheet.](#)

[The motion was seconded by Person.](#)

DISCUSSION

45 Hillemeier: Have we talked about this yet? We talked about the FY07 end of year funds and how that funded things in FY07 would free up funds for FY08; have we actually gone through the list?

Schleusner: I spoke about under the recommended items. The third column from the right is the proposal.

50 Lagomarsino: I feel that we may get into a conversation about the budget. But one suggestion I have is to set aside money for a facilitator.

5 Schleusner: That was actually a recommendation a few years ago. We the conversation has gone is that is a luxury. But Long and Person noted that the budget has 2 placeholders, habitat assessment and RST, so this combined with water year issues, makes sense to have the general fund to cover unanticipated expenses.

10 Person: To the greatest extent, we would use of non-program funds for a facilitator.

Long: We will look for other funds, but if there is not enough, we might be able to use the General fund to pay for it, but the first priority would be outside funding.

15 **BREAK**

Lunch was called from 12:15- 12:50to allow time to think about the motion and proposal.

20 **RECONVENE**

The motion maker reread the question at hand and called the vote.

25 **VOTE**

Yea: 7

Nay: 1 (HVT: On the principle that they have not had adequate time for review, and have asked for a government to government forum.)

30 **Motion approved.**

Decision Items:

Dark Gulch Rehab Project: Update, Alternatives
Present design issues/concerns; Identify Proposed Action

35 Joe Riess was given a certificate of appreciation from USFWS for his work on the Indian Creek trial mapping project. He then gave a PowerPoint on the alternatives for the Lewiston-Dark Gulch Project. Some of the alternatives would require very extensive analysis that would likely get in the way of the schedule. If they process more gravel than they can use, it'll get dirty with time and use up a significant portion of the budget.

The TRRP staff wants the TMC to endorse their 4 recommendations as follows:

- 45
1. Maintain Proposed Action as currently described in Admin Draft EA/EIR
 2. Meet immediate gravel needs b y onsite processing at Indian Creek (in progress) and sites included in the Remaining 8 (i.e. Lowden Ranch, Sawmill)
 3. Include gravel extraction and side channel construction at Bucktail Bar in Alternative 1 for potential implementation after other, more "accessible" gravels are harvested

- 5 4. Continue to identify rehab project for rapid implementation consistent with Flow Evaluation, and coordinate major gravel supply locations with gravel demand (i.e. not full build-out of every site that has gravel while implementing bank/floodplain rehab)

Stokely said the County has the following concerns:

- 10 1. The Bucktail bar is mostly in the floodplain and any bridge would be totally within the 100 year floodplain
2. The Bucktail Bridge is of great concern. There have been funds spend to armor the abutments, but it may fail.
15 3. There are concerns that any changes in the river in that area may eliminate the Bucktail Hole, which would of concern for landowners and fisherman.

Orcutt: I think the request to the TMC is unfair. If after hearing the information, the TMC voted to include the side channel as the proposed action, it wouldn't be done. It's unfair to ask the question because the TMC's position won't be considered. It's also unclear that the FO will allow modifications of plans for mainstem channel rehabilitation projects.

Hillemeier would like a motion to include the Proposed Action be considered for 14a, and then 14b would be a side channel, considered and analyzed later. No motion was made.

Schleusner acknowledged that in the absence of a motion or further direction from the TMC, the proposed action/preferred alternative will remain as originally identified by the TRRP.

Results of FY2008 Budget Questionnaire

Summarize responses

Lagomarsino gave an overview of the budget questionnaire and went through the comments.

Schleusner would like to get the 2009 budget adopted quickly and start working on out year RFP's. The **Expert Review Panel** evaluates the scope of work for an RFP (academics/scientifics) while the **Independent Review Panel** evaluates proposals based on the RFP (cut and dried evaluation of proposals).

There was further discussion regarding expediting the 2009 budget and RFP'S process. Included was a discussion about what full funding would look like for the implementation of the ROD. The question arose about if it's a true science driven project or micromanaged by the TMC. Work Groups should be allowed to do what they are there for. The TMC needs to determine the global costs, but allow for independent development by the Work Groups. A request was made by Weseloh that the TMC set out to complete the FY09 budget process and define the FY10 budget process.

MOTION

Berry moved that the TMC direct Budget Committee meet prior to November 1st to work out the two budget issues.

5 **DISCUSSION**

Long: If I may, I almost think that the TMC needs to take action by 12/1. So there should be a conference call no later than 11/1.

10 Berry: The TMC meets in December, so you're saying that we should discuss this during the conference call, and then be ready for action at the meeting?

Long: I would like to get the results on the conference call, to show what the agreement is for the FY09 budget process. I think to implement the FY10 goal we should be working as quickly as possible on this issue.

Haywood: There are two issues, FY09 & FY10 process, and the budget process recommendation. You're recognizing that the FY09 process will be like the FY08 process, which is what it seems to be heading. Many of us would like to move to a more programmatic level for FY10. Could we live with the FY09 process, have a conference call for the FY10, and a give us until the December meeting to come up with a proposal?

Long: I'd like to let Doug weigh in on this. I don't think that its not so complex. What I'm worried about is time constraints. If we don't get the FY10 process moving, it won't get done.

Schleusner: I think we can do both. There should be something offered up from the conference call. We could talk about the FY09 process or look at the FY08 budget and provide time for comment. The budget group could focus in on the FY10 process. We already have a large scope of work already laid out for the next few years that could be implemented within weeks. There needs to be a two year calendar mapped out.

Long: I'm sensing that this seems to be where we want to go. With that Mike, would you like to amend your motion?

35 **AMENDMENT**

Berry amended the motion to read:

40 The TMC will direct the Budget Committee to meet prior November 1st to discuss an expedited budget process for the FY2009 budget and a FY2010 Programmatic Budget.

The motion was seconded by Heywood.

45 **FURTHER DISCUSSION**

Lagomarsino: That will utilize the draft IAP process?

Long: I think that the motion is probably good enough.

5 Long: There would then be the intent to have the TMC take action on those two processes before the December TMC meeting.

Hillemeier expressed concerns about how the Tribes would integrate into this.

10 Schleusner suggested a government to government (G2G) meeting with the Tribes before the TMC takes action.

Person: I have G2G meeting as an independent part of the process.

15 Orcutt: I also have concerns about the Tribe's participation. I would suggest a G2G meeting with the Tribes prior to the Budget Committee getting together.

Person and Dave Hillemeier agreed.

20 The question was called.

VOTE

The motion was approved unanimously.

25 The TMC Budget Committee will have Lagomarsino as Chair. She is concerned about the time available to do it because of the Klamath Settlement negotiations.

30 Schleusner agreed to schedule the meeting. He also agreed to coordinate and facilitate the meeting. He will also work with Rod and Priscilla to help put together information. He also added that resolution of high level policy issues is important for resolution of the budget issues.

High Level Policy Issues

Follow up action: September 17 conference call

35 Long summarized the conference call of 9/17/07 in hopes of getting a motion on this issue passed quickly. He suggested three possible motions based upon the discussion during the conference call.

- 40 A. Take a narrow reading of what the responsibilities are, pursue only assessments or activities directed to undertake pursuant the ROD.
- B. Assessments or activities directed to be undertaken by the ROD should be the highest priorities of the program, however, other activities not explicitly laid out in the ROD can be considered on a case by case basis, therefore, if they arise to the top of the priority list
- 45 then they can be undertaken.
- C. The Program can undertake any assessments or activates necessary to provide the data to reliably correlate fish production and fish habitat restoration. (Let the science drive the Program)

MOTION

5 Berry moved that the TMC adopted Policy Direction B.

Heywood seconded the motion.

10 **DISCUSSION**

Person: I have to remind everyone that the constraints to this is that if its outside of the ROD there may not be NEPA coverage and if its well outside of the ROD it may be out Reclamations ability to fund.

15 Schleusner: The wording here seems to be pretty good, other activities should be considered on their merit on a case by case basis. In so doing, you'd be looking at authorities and NEPA coverage. It's permissive enough wording to examine those different aspects.

20 Hillemeier: The scope of the ROD is pretty broad, so a lot of activities associated with fisheries restorations would be within the scope of the ROD.

Orcutt: In regards to the motion and the selection of Option B; I have a number of questions and would counter that Option C is more towards what I leaning to because ROD specifies that
25 hatchery management impact natural production, which is the cornerstone of restoration and congressional intent. Some of those items are not necessarily explicitly covered by the ROD, so I am concern that our ability to restore the river has not been examined, evaluated, or provided guidance in those areas. I would note that the hatchery is a contract with the State of California and is a Tribal Trust Responsibility of the Federal Government. The other area that I heard
30 consistently over the years is fishery management and that we don't need to be involved in it. A number of activities the Program has sponsored have been areas of concern. We have a limited focus and are not evaluating all factors affecting fish production.

Long: Actually, the next two questions get to that issue.

35 Orcutt: I've read and understand that. This sort of sets the side board that says what is in the ROD and what's lesser will be reviewed on a case-by-case basis. So maybe its out of context and we need to answer those questions. I would add that things like the Lower Klamath and focusing on improving it and that the Trinity becomes the Klamath at mile 42, like the diseases and
40 pathogens that influence the success the Program is another question. To me it narrows the factors and limits the focus which does not meet the need of Tribal Trust Responsibilities.

Heywood: I think that Option B gives us a focus, saying that the highest priorities are those included in the ROD, and meets its purpose. I remind myself that we are and advisory body to
45 the Interior. C to me gives me no sense of focus and we shouldn't spend all of time focusing on the Klamath. A would not allow us to deal with some subsidiary issues dealing with the health and restoration of the fisheries.

Hillemeier: I think that the ROD, Preferred Alternative, and FEIS includes AEAM component to
50 it. The ROD speaks to implementing research and monitoring to make adjustments to the flow

5 schedule, but it also says for other measures and to ensure that restoration and maintenance of the Trinity River anadromous fishery is based upon the best available science. To me that seems pretty broad and goes beyond just channel restoration, but also fishery resources management.

10 Wittler: I agree with B from purely a scientific standpoint and not budgetary. To me as a senior scientist to direct the work groups and partners in a well structured test of the primary hypothesis of this Program. In the adaptive management context, is when we say that habitat didn't meet our fishery goals, then maybe it's the hatchery or other factors. In adaptive management, those are alternative hypothesis; in good science, you can only test one hypothesis at a time. It's less confounding. The highest priority is to test the primary hypothesis of habitat restoration. Once
15 the evidence comes in, you'll hear a recommendation. For right now, we are not done on testing whether habitat restoration is the key to restoring fisheries and achieving eth programmatic goal.

20 Lagomarsino: As far as B goes, how does the IAP is integrated into this? Will the final IAP fit under the ROD or is it case by case? To me it seems to me that in the IAP we're defining the specific assessments. The ROD has broad categories that we are trying to define.

Long: The purpose of this is to determine the boundaries of the IAP.

25 Wittler: WE want to know what the boundaries are to thwart agreements about what they are. In my opinion, B is closest to the compromise we are working on right now. And that is we are not putting blinders on or not doing assessments in hatchery or fishery management areas, we are. We're looking to cooperate with the agencies whose responsibilities those are. But we're not seeking to manage the hatchery and in fisheries to achieve our goals. Rather we are only managing habitat restoration through channel rehab, gravel augmentation, watershed, and flow
30 which are our management action that we are authorized under the ROD. It's why prioritization is important.

35 Hayden: B is the closest to the intent of the strategy in the IAP. I would suggest changing the word "activities" with "assessments" to clarify. Activities means we're going to do something, whereas assessments means we're going to measure and evaluate the hypothesis.

40 Orcutt: We already budget limited for assessments. This just paves the road for further focus away from other factors which may contribute to the success or failure of this program. We won't get the information and data we need to look back. The IAP will have too limited of a focus.

Haywood: shouldn't we make an amendment to the motion to include the new wording:

45 Long: I was going to get to that.

Hillemeier: I think "assessments" is good and would like to leave the word "activities" in the motion.

50 Long: So you're preference would be to replace "activities" with activities/assessments" in both places?

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Person: I would say that an assessment is an activity and activity is not a limiting term.

Wittler: We have a good definition in the IAP, assessment doesn't include activities. Activities may include assessments.

Orcutt: Would the passage of the motion preclude genetic studies of spring and fall Chinook related to the late summer pulse flows?

Person: I don't think it would.

Berry: The way I look at this is that the IAP gets wound up in out of basin stuff. This sort of keeps it focused towards the ROD. The activities identified in the draft IAP are too broad, we can't focus in, and it's holding us up. This is a very good compromise. If its our goal to give the IAP writers direction, this is the way to do it.

Long: Clarifying this, we do need to give the IAP direction and it's not fair for them to guess what the TMC wants them to do.

Lagomarsino: The question is about assessments.

Long: I going to give this back to Mike to see if he'd like to revise the motion.

AMENDMENT

Berry: The only thing I'd revise in the second sentence where it says "other activities" with "activities/assessments".

Heywood, who seconded the motion, accepted the amendment.

Orcutt: I would like to amend the motion to delete the second sentence after "other activities" and replace it with "include other activities necessary to reliably attribute fish responses to restoration activities."

Berry: So you're taking out correlate fish production?

Orcutt: Yes.

Berry: I have no problem with that, but don't think it was excluded. The ROD looks at responses to restoration activities already. If that makes it more palatable to you, then I'd be willing to accept it.

Stokely: So the sentence would be "other assessments and activities"?

Berry: So you took out "consider on a case-by-case basis"? That changes the motion. I don't agree, didn't understand that was the intent of the change, and won't accept that. I think there's

5 things that may come up that we are not aware of that may not deal with fishery response that we should be able to look at on a case by case basis. To avoid confusion, I'd leave Option B the way it is with "activities/assessments".

10 Person: The core of C is already in B.

The question was called.

VOTE

15 Aye: 7

Nay: 1 (HVT)

Motion approved as amended.

Policy Issue 1A: IAP and Hatchery issues

Long introduced a new item that was not on the agenda based upon the question of:

25 "What is the extent of involvement of TRRP in hatchery issues and how should the program interact with hatchery management and other entities."

Based on the conference call, he offered two options for the TMC's consideration.

30 A. Assessing/addressing the effects of hatchery fish on natural production is an important issue, but is outside of the scope of the TRRP. Hatchery operations should be taken into account as the Program plans its activities.

B. It's in the best interest of the TRRP to address hatchery operations, since hatchery operations can affect natural production.

35 A general discussion about the options given by Long and what the extent the FEIS & ROD discussed hatchery management.

MOTION

40 Orcutt moved that the TRRP **shall** assess the effects of Trinity River Hatchery operations to the extent that they may affect natural salmonid production.

The motion was seconded by Stokely.

DISCUSSION

50 Berry: The concern I have is with the limited amount of money in the program. The TRRP is to restore fisheries through habitat restoration. The primary assessment could be how the fish respond to that. You could spend millions on assessing how hatchery fish affect natural fish, and

5 they're doing that all over the Pacific Northwest. I'd oppose this motion because there is so much of his info being collected. Should there be a problem, then we can go back to all of those other studies, and make correlations.

10 Schleusner: I thought there is a Hatchery Genetics Management Plan (HGMP) being developed for TRH. Wouldn't that be the logical mechanism to address effects of hatchery fish on native fish?

15 Hillemeier: You should talk to BOR employees to see when they will get the funding for the monitoring involved in the HGMP. Then as a suggestion for consideration to the motion is to add "..., since such impacts may be detrimental to the success of primary habitat hypotheses."

Lagomarsino: BOR is working on a HGMP pursuant to Section 4 of the ESA. I wish we could place some to cap the budget as part of the motion.

20 Kautsky: The assessments need to be determined by the IAP. Investment is already being made such as hatchery modernization and fish marking come off of this program. This is all consistent with that.

25 Lagomarsino: Hatcheries can affect spatial structure and diversity, and I would prefer if we said "natural salmonid viability".

Stokely: I would like the word "shall" changed to "may" because as it is, it ties our hands in the future.

30 Person: It's a slippery slope and I'm not certain that the motion is still within the confines of the ROD. I think the program should be aware of hatchery issues, but not assess it; I'm not sure where the appropriate line is between the ROD and other issues.

35 Heywood: When you talk about various assessments, would you consider a literature survey of other assessments of this issue?

40 Berry: There is such a large and passionate group out there that is opposed to hatcheries, it would be easy for them to come in and hijack the effort. They can basically hijack our money for our purpose when there are already millions being spent on it in other places. I'd hate to see our drainage get sucked in when we need the money for other programs.

Long: Yeah, that small passionate Watershed Group has been in fact hijacking the Program...

45 Heywood: If someone makes determination that a particular activity is outside of the ROD, what does that do to us as a group?

Person: We say we can't do it due to NEPA coverage or we might need to amend ROD.

50 Whitridge: Do we need NEPA for assessments?

5 Brian: Once it's in the IAP, it's anchored, and it will be a guide to implementing the remainder of the Program. Once it's on paper there is an expectation that it will be carried out.

Whitridge: From my understanding, the IAP is an attempt to keep track of the science.

10 Wittler: The TRH is already in the IAP and is a matter of prioritization. Don't get distracted. From a science standpoint, the experiment we are working on is what the Secretary said to do first, the habitat experiment. The science part of the Program would not be doing its job if it wasn't assessing what is going on. That's already written up in chapter 3 of the IAP. It's a matter of priority; is it a shall or a may? We've already have assessments to look at hatchery issues within the confines of the ROD. Will this get to the level of habitat assessment, stream gaging, etc.? If it's all the same priority, we'll be back to the drawing board and have the same conflicts.

15 Orcutt: I don't think this is a big financial issue. The hatchery is a Tribal Trust issue that Interior has to deal with. It's very important and we're trying to be transparent.

20 Stokely: Would not passing a motion on this issue adversely impact the IAP?

Polos: Yes, it would. We need to have prioritization. It's not effective to get anything done until the TMC provides direction.

25 Hayden: The proposed IAP process will be hard enough to prioritize The assessments that will support the habitat restorations.

30 Weseloh: If you don't do it now, you will do it later. It's either pay me now or pay me later.

Berry: Joe, you have the whole gamut of assessments, I'm assuming is for habitat; are there hatchery and wild interactions?

35 Polos: Yes, there is a general hatchery section that covers most of these issues.

Rod: They there, but it's still a matter of prioritization. We have to get over not making choices.

40 Weseloh: The passage of this motion will not put hatcheries first. It goes on the assessment list to see how it impacts other items. Recommendations and assessments we can do and should prioritize according to the ROD.

The question was called.

45 VOTE

Ayes: 2 (HVT & YT)

Nay: 6

50 **Motion fails.**

5 **MOTION**

Hillemeier moved that the TRRP may assess the effects of Trinity River Hatchery operations to the extent that they affect natural fish viability, since such affects could be detrimental to the primary habitat hypotheses.

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The motion was seconded by Stokely.

DISCUSSION

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Long: If we were to pass that motion, taken in conjunction what we did in Option 1; I would ask the IAP if that gives them enough options.

Kautsky read from Curtis Anderson's memo regarding hatchery assessments.

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Kautsky: It seems to me, that it's all or nothing, it's not a shade of grey. Relative priority to something else...

Weseloh: I think the last motion already allows that issue; it's just a matter of what degree.

25

Polos: The first motion sets a broader scale, while this one sets it as an in or out, as one of those other assessments to be considered.

Hayden: Is the difference between production and viability work for you, George? When I hear viability, it broadens the scope to address what we talk about in section three of the IAP.

30

Wittler: I was more interested in production, but I can go along with this.

Long: I feel that I'm getting tilted thumbs up from the IAP people, so I'll call the vote.

35

The question was called.

VOTE

40

Aye: 6

Nay: 2 (HVT & DFG)

Motion fails.

45

Berry said he'd accept verbiage that this would not affect management of the hatchery, he could vote for it. He was instructed not to complicate the management of the hatchery by his superiors.

Person said he voted for it because it doesn't include management of the hatchery.

50

Lagomarsino noted that it said "assess the effect of" and made no mention of changing the hatchery's management.

5 Berry: If we voted again, I'd vote for it. I miss understood the motion.

Long: Obviously there was a miscount...all those in favor...

10 Orcutt: Hold on; is that proper protocol? That seems like a pretty loose interpretation of Robert's Rule of Order.

Wittler: Robert's Rules of Order allow those how voted against it on the prevailing side.

15 REINTRODUCTION

Berry moved to reintroduce the question.

The motion was seconded by Lagomarsino.

20 The question was called.

VOTE

25 Aye: 7

Nay: 1 (HVT)

Motion approved.

30 Agenda Modification

The chairman modified the agenda in the following way:

- Policy Items 1B and 1C will be considered the next day.

35 Role/Responsibilities – Next Steps

Review DOI letters; Status of facilitator; Schedule meetings

40 Long reported that he and Brian Person had a meeting with Steve Thompson and Kirk Rodgers back in June. Their decisions just came out in a memo. He didn't wait for the memo to start the process of selecting a facilitator from Center for Conflict Resolution. Funding has been made available for the facilitator by DOI. Early in August an e-mail outlining a list of criteria or expertise for a facilitator was sent out to the TMC so they can provide input, then Long and Person can narrow down to 3 to 5 candidates, so the TMC can select the final facilitator. He didn't get a lot of feedback to that e-mail. There was approximately \$25k- \$30k in funding, but that was lost with the passing of the fiscal year. The facilitator would be roles and responsibilities and suggestions on how to change the AEAM program. The hope is that they we be able to report progress in December and ask for more time. DOI wants a demonstration of progress and a facilitator and a couple of meetings will help to show such progress. The
50 contracting entity would be with the Center, not tied to any particular entity.

5

Orcutt asked about the sentence in the second to last paragraph about essential research, monitoring, and modeling.

10

Long said it went back to something that Ryan Broddrick said at the principals meeting. They don't want it to be a research program. They really want to see progress on implementation, even though we need to do "good science." Don't get too far afield on research types of projects. It was somewhat related to the CALFED program and all of the research funded there.

15

Person: It's a focus statement. They want results and they support the program. They not looking for science for the sake of science. Science is to be used as necessary to support this program. Restore the river and fishery only.

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He went on to note that the letter says the TMC is to advise interior and it doesn't absolve he or Long from their responsibility to fulfill all the program objectives.

Meeting adjourned at 5:00pm

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TRINITY MANAGEMENT COUNCIL MINUTES
Trinity County Board of Supervisors Chambers, Weaverville Library, CA
Thursday September 27, 2007

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

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

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

Others Present: Arnold Whitridge, *TAMWAG Chair*; Rod Wittler & Nina Hemphill, *TRRP*; Randy Brown (*TAMWG DFO*) & Joe Polos, *USFWS*; George Kautsky, *HVT*; Tim Hayden, *Yurok Tribe*; Teresa Connor, *DWR*

Information Items:

Integrated Assessment Plan (IAP) Update
Preparing for the fall work schedule, key dates

Wittler distributed IAP Part II, the Plan, the schedule, and a number of related documents. They are getting ready for workshop zero. The authors have received numerous and substantial final comments from HVT on Part 1. There are two categories of comments; non-policy and policy. A small group will be getting together next week to prioritize items. Wittler also distributed a flow chart to workshop zero, the purpose of which is to wrap up Part I of IAP. The authors are doing their portion of the work and the steering committee is trying to resolve the bigger issues. Riparian and habitat assessment will be part of the IAP. We'll use the resolution roundtable. We try to resolve things internally, and then we bring in outside experts on Oct 16-17. The habitat workshop has been split into two parts. The Senior Editors (Dave Marmorek, Dave Porter, and Andrea Davis) who will be calling people and tracking progress. Workshop zero was determined to be needed after workshop 1 was already scheduled, hence the number zero. The final IAP plan is expected about a year from now.

Fisheries Update
Run size to date, conditions on the lower river

Flows were 2,550 cfs at Klamath with temperature hovering around 17 C°, and cooling down. There was mention of a problem with the gauge. Douglas City temperature fluctuates between 50-56 F°. The hatchery is open to take spring Chinook. Coho are appearing at the Willow Creek weir and are moving up into the Trinity. The majority of fall Chinooks moving past the Willow Creek weir are unmarked fish; only 10% are hatchery fish, so presumably 90% are natural fish. The fall Chinook run is low compared to last year and is late moving up into the Trinity.

Hillemeier noted there aren't many fish at the mouth of the Klamath River.

5 Steelhead and spring run Chinook are doing well.

Hillemeier noted that jack counts are really low this year.

10 Coho are marked 100% at the hatchery.

Kautsky noted that they an annual pattern at Hoopa. Fall Chinook used to show in Hoopa in late July and early August; now it is early September which is about a month later. There is a run timing difference between natural and hatchery fish. He agrees that the fall Chinook run is delayed.

Hemphill note there were no reports of disease.

20 There was further discussion about run size being purely speculative because the data is not available at this time. They won't know until January or February 2008 when the mega-table is released. Several people are working on the overfishing report due to three consecutive years of not meeting minimum adult escapement goals. The first draft is out and the final report should be released in November.

25 **Update: Trinity River Legislation H.R. 2733**
Summary of Sept. 18 hearing

Although discussed the previous day, the chair entertained a motion by Stokely, which was written by Tom Weseloh.

30 **MOTION**

Stokely moved that:

35 The Trinity Management Council (TMC) acknowledges the TRRP Full ROD Program Funding Estimates for FY2008 and FY 2009 (approximately \$16 million per year) could be utilized by the Program to expeditiously implement ROD actions and Program priorities.

The motion was seconded by Berry.

40 **DISCUSSION**

Orcutt: My only problem with that is that I would put it out in the out-years. I guess the approximation of the February table in the legislation has substance to it. These estimates have been reviewed to a great degree in the review of HR 2733. That number has had the most review of any of the other numbers used.

Stokely: I'd like to keep it imprecise so that we don't get our federal partners in trouble.

5 Orcutt: My rational is that because of the out year budget, there are a number of areas that haven't had the same level of review as the amount of funding identified for HR 2733.

Lagomarsino: Mike, as I understand it, you requesting more precise numbers?

10 Orcutt: The numbers that were in the legislation.

Lagomarsino: Is that in our spreadsheet?

Person: What the difference is that the legislation has a figure of \$17.5 million.

15 Schleusner: It was probably identified at about \$16.5 million in HR 2733's table.

Stokely: What do other members think? If you wanted to, we could add an extra addition, if that would help.

20 Schleusner: One thing I heard is that a phrase to the effect of "regardless of sources" could be added to the motion to avoid assumptions about where the money is coming from.

Stokely: Would you be willing to accept an addition to the motion?

25 Berry: Yes I would.

Person: Doug lets say that the TMC passage of the motion as written occurred and we had a greater impact than we thought we might. Here comes \$16 million full ROD funding in 2009; will you be able to utilize those funds properly?

30 Schleusner: I think we would have to do a few things differently than to this point. One of the larger elements, being the full watershed funding of \$2 million that has been identified in the ROD, which has been underfunded up to this point. It has been assumed in the past that this would be a cost share item and the numbers used in the legislation assumes this as well. When you get into watershed restoration you look at if there are enough projects in the mix to award. Whether or not it would be instantly available is another topic. Certainly there are a lot of other activities associated with such work in the RIG and TMAG, and that would need some staffing changes.

35 Schleusner: I think we would have to do a few things differently than to this point. One of the larger elements, being the full watershed funding of \$2 million that has been identified in the ROD, which has been underfunded up to this point. It has been assumed in the past that this would be a cost share item and the numbers used in the legislation assumes this as well. When you get into watershed restoration you look at if there are enough projects in the mix to award. Whether or not it would be instantly available is another topic. Certainly there are a lot of other activities associated with such work in the RIG and TMAG, and that would need some staffing changes.

40 Hillemeier: We can substantially help the watershed restoration, as per the ROD, including the Lower Klamath River. (Inaudible...)

Person: At a relative quick turn around basis can be implemented in real time.

45 Orcutt: As my understanding is, the numbers that went into the table was the first five years. The approximation should be the amount in the report to Senator Feinstein, which is \$17.5 million (\$6.5 for construction and \$11 million indexed for inflation beyond construction.)

5 Lagomarsino: I get the feeling there is some concern about federal agencies needing to uphold administration policies.

Orcutt: That's why I suggest that the budget isn't under an embargo and it would be better to not include 2008, but include the out years instead because those years aren't embargoed.

10 Lagomarsino: We also have an estimate of what the full FY09 program budget should be.

Orcutt: My concern about that number is that it is pretty put together loosely, whereas the table is pretty well thought out. Basically, we'd be on record of what full funding is, and that's important.

15 Stokely: I'm willing to make a modification to the motion, but I would like to see it pass. Is there something that needs to be changed so it is acceptable to federal agencies?

Orcutt: That's why I suggested that FY08 would cause problems.

20 Stokely: We can eliminate FY09 ad focus beyond FY09.

Person: I have two concerns; federal employees must support the president's budget and we cannot give the appearance of lobbying. By constraining ourselves to 2009 and beyond, we get beyond the first concern. But if we have a number that matches a number in legislation, that's a tacit approval of legislation.

Lagomarsino: There could be a perception of that.

30 Schleusner: I have a suggestion. Maybe there is a way to tie this into direction of the budget planning process and subcommittee. I would partly agree with Orcutt, but partly disagree with FY09 budget... (video ends) A reasonable estimate of the program, but needs to be reviewed and verified, which may create that buffer.

35 Hillemeier: What's the purpose of this motion? What do we want to happen with it? Is it to let folks know that we need these funds to do things with?

Schleusner: You can put some backbone in it, by saying the full ROD program is about \$16 million which needs to be verified and update the figures. As we presently understand it is at or about \$16 million and considered to be a reasonable approximation, but it needs to be verified as a reasonable estimate of the program's needs.

40 Orcutt: I would suggest that the motion be changed to read \$16-\$17 million, similar to the report that was submitted to Senator Feinstein.

45 Berry: The president himself would probably acknowledge that the full ROD funding of \$16 million could be utilized, the budget wasn't passed due to not being able to be utilized, but rather because the funding was not there. I am having a problem as to why representatives of the president have a problem with saying that full funding could be utilized.

50

5 Lagomarsino: I'm hearing that the federal reps can probably live with this statement. That is not the discussion. What I'm hearing is that suggestion by Orcutt to... (statement interrupted)

Berry: Either way, I though I heard the feds needed FY08 removed.

10 Lagomarsino: I am really trying to accommodate Orcutt's interest and our own and can we accommodate \$16-17 million range. If we're not able to broaden the range, can you live with this statement?

15 Orcutt: I'm posing the question the other way. That we should go with the range. It incorporated that. In principle, the number may change today, but it was the best offered back then.

20 Person: I think the change for us is what are we supporting? I look at the ROD for FY08 & 09; it says \$16 million plus change per year. So while placing a range in there might seem insignificant, it is a transition of between supporting the ROD table, and moving forward toward supporting the legislation.

25 Brown: I have to agree with Brian. I think going with a number similar to the legislation may give us pause. We have a statement regarding the budget and what full program funding is; it seems to me that is already out there. How will this help move us forward?

Stokely: Weseloh receive some questions form the Natural Resources Committee and would like to respond to them.

30 Whitridge: The Secretary said that he hasn't heard from below that more would be useful.

The question was called without amendment.

VOTE

35 Yea: 8
Nay: 0

The motion was approved unanimously.

Results of Pre-construction Assessment at Indian Creek

Damon Goodman (USFWS) gave a quick PowerPoint regarding salmonid habitat evaluation at Trinity River restoration sites. There was a lot of discussion about the presentation.

45 **A break was called for from 10:30am to 10:45am.**

Lagomarsino noted that the meeting was going beyond the time allotted in the agenda and the meeting would be extended to 12:00pm.

50 **Decision Item:**

IAP Development
High Level Policy Questions

Policy Question 1B about harvest management, which was not able to be discussed the previous day, was discussed in detail.

MOTION

Hillemeier moved that:

The TMC will not get involved in the harvest management process; however, the TMC will continue to assess and collect escapement, harvest and production data. The consideration of development of numeric harvest goals will be deferred until the December TMC meeting

The motion was seconded by Berry.

DISCUSSION

Hayden: Do we qualify what involvement means? It says that the TMC will reserve the right to make recommendations, but they wouldn't take part in the management. Does the motion capture that?

Stokely: I don't think it does. It says to "not get involved".

Hayden: The IAP and the SAB both recommended that there be a reserved right to the TMC.

Wittler: What about saying you won't directly manage, but will make recommendations.

Lagomarsino: As I see it, the TMC will not be directly involved, but each agency would be involved respective of their actions.

Berry: We need to keep the context in mind in that this is to help direct the IAP process. This is to give the IAP some guidance.

Hillemeier: We'd like to clarify that the TMC is not to be involved in harvest management. Just to clarify that this motion is just guidance to the IAP.

Orcutt: It needs to be clarified the way it's written.

Lagomarsino: So there would need to be a modification to the motion.

AMENDMENT #1

Stokely: I'd put in a clause that says, "For the purposes of IAP development,...".

Berry: We did this yesterday under the same assumption. So isn't there something in the minutes that reflects that discussion as it relates to guidance of the IAP?

Kautsky: The issue of harvest goals is not to adopt them, but just to decide to develop them.

Whitridge: I received comments from TAMWG members on Mike Long's memo. The comments received from some TAMWG members support adoption of numeric goals because they are uncertain how the program will be judged. This is informal minority advice from some TAMWG members. What would be the benefit of waiting until December? What would happen between now and then?

Hillemeier: I would like to discuss it with their Tribal Council. It could be helpful if folks could put more definition on species and methods to come up with those goals. They may still not support goals, however.

Brown: USFWS agrees with the need for continued collection of harvest data, but they don't agree on the priorities for the different metrics. They still don't know what the metric is to determine the success of the program. They can support the motion in general.

The amendment was accepted by the motion maker and second, which reads as follows:

For the purposes of IAP development, the TMC will not get involved in the harvest management process; however, the TMC will continue to assess and collect escapement, harvest and production data. The consideration of development of numeric harvest goals will be deferred until the December TMC meeting.

The question was called.

VOTE

Ayes: 7

Nay: 0

Abstain: 1 (HVT)

Motion approved as amended.

Non-Agenized Item:

Draft White Paper

Orcutt gave a short introduction for the draft white paper that was distributed. At the March TMC meeting, there was a draft goal statement for the program. The area of harvest is included in the litany of legislation in that we are trying to actually restore the various fisheries. HVT feels this is important because of the CVPIA PAR and OMB's PART review processes. The intent of it all is that the people who are paying for CVPIA restoration must be relieved of paying as much money when restoration occurs. The law says to go beyond spawning escapement to provide

5 harvest. We've convened and submitted numeric goals to the CVPIA PAR. If we don't come up with our own goals, somebody will come up with them for us. The HVT and Trinity County submitted harvest goals to the CVPIA PAR process.

10 Stokely added that the program's original escapement goals could easily be met by simply reducing or eliminating harvest, which is why the 1996 amendments to P.L. 98-541 were enacted to ensure that increased harvest is part of the equation for success. He suggested sending the draft white paper around for comments and to start an e-mail discussion between now and December.

15 **IAP Development**
Policy Question 3B

MOTION

20 Stokely moved to adopt policy direction C, as shown in the 9/19 memo by Mike Long.

The motion was seconded by Brown.

DISCUSSION

25 Berry: I agree. It's already being done. It should fall on the backs of the Klamath side. Most of the effects are a direct result of Klamath operations, not Trinity, but it affects the Trinity. If there is something that really stands out, we should get involved.

30 Orcutt: There have been several occasions where it has been evident, such as post fish kill and supplemental water. We've drained our water source to alleviate Klamath conditions.

Schleusner: C is consistent with No. 1 from yesterday and would help the IAP team define their decisions.

35 Hillemeier: I think the Lower Klamath is an extension of the Trinity River. I think we should support A or B. I would prefer A if it says it relates to Trinity R. fish populations. The ROD does open the door to doing work in the Lower Klamath.

40 Person: How would the program under option A differ from current activities we are undertaking?

Hillemeier: Right now there is no difference, but there may be other studies in the future to assess the condition of Trinity R. fish in the estuary and Lower Klamath. It's relevant to fish health of Trinity fish. WE need to address concerns as they come up.

45 Schleusner: C could be more broadly interpreted than A. A deals with fish health. C deals with much more and may be broader.

5 Lagomarsino: What is the difference between A and C? C doesn't have the word assessment. C could include assessment and management. It integrates both of those, while A is just related to assessments of fish health.

10 Hillemeier: Case by case has a lower priority than other things. On the other hand, we might consider doing more in the Lower Klamath under C than A.

15 Wittler, speaking for himself, stated that A would put Lower Klamath assessments on the same priority as Trinity River assessments. C is OK. They seek cooperative assessments with others. A says to do it on our own. We should avoid language that would make them equal with the primary hypothesis. We have to set priorities and A might in the wrong way.

The question was called.

20 VOTE

Aye: 7

Nay: 1 (YT)

25 **Motion passed.**

Regular Business:

Open Forum: Comments from the public

30 There were no comments by the public.

Calendars: Confirm next meeting date and location

Tentatively the meeting is scheduled for December 12-13, in Weaverville. Arcata was suggested as a possible alternative location.

35 Potential December Agenda Items:

- Reimbursable grants
- TMC voting rules
- TAMWG member on TMC
- Informational Kiosks at Indian Creek DFG Site, Steel Bridge Campground, Mary Smith Campground, Douglas City Rest Area, and Hatchery
- Presentation on Overfishing Report
- CVPIA PAR Report by Brian Person

45 **Indian Creek Field Trip Overview**

Adjourned for field trip at 11:55 am.

