Final Minutes

TRINITY MANAGEMENT COUNCIL

Humboldt Bay Aquatic Center, Room 211, Eureka, California
Wednesday and Thursday, September 21-22, 2011

Wednesday, September 21, Start of meeting 10:12 AM

Attending Members:

Brian Person	Bureau of Reclamation, Chair
Nancy Finley	Fish and Wildlife Service, Vice-Chair
Curtis Milliron	California Natural Resources Agency
Dave Hillemeier	Yurok Tribe
Mike Orcutt [1]	Hoopa Valley Tribe
Ann Garrett	National Oceanic and Atmospheric Administration, Fisheries
Roger Jaegel	Trinity County
Bill Brock [2]	Forest Service
Arnold Whitridge [3]	Trinity Adaptive Management Work Group
Robin Schrock [3]	Trinity River Restoration Program, Executive Director

1) replaced by Andrea Hilton on day 2, 2) alternate for Sharon Heywood, 3) non-voting members.

Others who attended: D.J. Bandrowski, Ernie Clarke, and Andreas Krause (TRRP); Andrea Hilton (Hoopa Valley Tribe), Tim Hayden (Yurok Tribe), Don Reck (USBR), Teresa Connor, (DWR), Kelli Gant (Trinity Lake Resource Alliance /TAMWG), Joe Polos (FWS), Wade Sinnen, (CDFG), David Maurer (Congressman Wally Herger's Office).

List of Motions and Action Items made during the Meeting

Curtis Milliron made a motion that TMC adopt the proposed modified ramp down.

Ann Garrett seconded the motion.

The motion passed unanimously. (Nancy Finley was absent.)

Dave Hillemeier made a motion to approve the work plan with the caveat that the $500K earmarked for watershed planning be contingent upon a plan being developed and presented to the TMC for approval.

The motion was seconded by Bill Brock.

Motion was passed 7 to 1 with the Hoopa Valley Tribe voting no

A motion was made to accept the April 2011 minutes with exception of changes that Hillemeier will provide directly to Schrock.

The motion was seconded.

The motion passed unanimously with one abstention by Roger Jaegel.

A motion was made to accept the May 2011 minutes.

The motion was seconded.

The motion passed unanimously. Curtis Milliron and Andrea Hilton abstained.

Action item: TMC to take up purpose, scope, discussion versus decision making role of monthly teleconferences at December 2011 TMC meeting and be prepared to address an amendment. The question is whether an amendment of by-laws is needed to allow decisions to be made during teleconferences.

Action item: Brian Person will provide copies of letters sent to the Secretary of Interior to TMC members regarding membership of TMC and voting process.

Action item: D.J. Bandrowski will provide the 2012 short term implementation schedule to Brian Person so it can be sent out in separate email and in the minutes.

Regular Business

1. Introductions

Brian Person, Chair, opened the Trinity Management Council (TMC) meeting. Person welcomed those in attendance and asked Council members and members of the audience to introduce themselves. Brian thanked Nancy for offering her home for the barbecue.

2. Open Forum

Brian Person welcomed public audience to address the Council. There were no public comments at this time.

3. Approval of Agenda and Business Items

Roger Jaegel requested that temperature issue be addressed and attention was called to the Lewiston Dam Appraisal Study item on agenda at 2:00 PM. A request was made for Tim Hayden to update the TMC on the proactive water release procedure. There was an open discussion about the need to receive minutes in a timelier manner. Bill Brock requested April minutes for approval.

Mike Orcutt asked about monthly teleconference notes. In response, Robin Schrock asked the Chair to find out how the TMC would like the teleconference notes to be vetted before posting on the website. The Chair opened a discussion about the purpose, scope and preparation of agendas for monthly phone calls. Orcutt wanted a decision about how important monthly meetings are for sharing information and making decisions. Person gave his opinion that the monthly meeting be “discussions,” and that motions not be entertained during such meetings. Roger Jaegel thought that the Chair should have the latitude to call a vote on issues—the voting rules of TMC should take care of most issues and monthly teleconferences are necessary for updates because the time between quarterly meetings is too long. Person asked the TMC to decide the process. Orcutt remarked that the TMC would need to discuss this later and amend the by-laws if the TMC is to take make decisions on teleconference calls.

Action item: TMC to take up purpose, scope, discussion versus decision making role of monthly teleconferences at December 2011 TMC meeting and be prepared to address an amendment. The question is whether an amendment of by-laws is needed to allow decisions to be made during teleconferences.

Person described the eight letters that had gone to the Secretary of the Interior regarding the different permutations of proposed new membership of Humboldt County and BLM, and the super majority vote process in the TMC. He described possible outcomes for the TMC decision making process for each example.

Action item: Brian Person will provide copies of letters sent to the Secretary of Interior to TMC members regarding membership of TMC and voting process.

Person provided status update about policy liaison for Trinity River and Klamath River and he described recent discussions among Anne Castle, John Tubbs and the Regional Director. However specific details for the position have not been worked out. He had provided them with a summary of the discussion and opinions gathered at the June 29, 2011 Joint TAMWG-TMC meeting that included both positive and negative outcomes for the program as far as maintaining local control over Trinity River issues and Trinity River Restoration Program activities. Resolution of issues that are still unresolved at the local level could be elevated to the liaison for a decision.

4. Report from TMC Chair

Brian Person commented on the recent joint meeting between TMC and TAMWG and noted the value of the casual discussions during breaks. He noted the hatchery letter and that he had spoke with the Regional Director. He said that the Director takes a personal interest and has offered a response in the next few weeks. A response letter to the Trinity Lake Alliance took input from USFS and the solicitor. An effort will be made to help USFS get through permitting to get the ramp extended. The CEQA portion was not certified by the County. Person commented on the TMC membership and the failure to pass motions by 7 to 1 vote. Roger Jaegel commented that adding Humboldt County and the BLM would be useful as they have an interest in what the TMC does. Dave Hillemeier said the Yurok Tribe supported the addition of Humboldt County to the TMC but felt that the Department of Interior was well represented by having BOR and USFWS on the TMC. Mike Orcutt did not support new members. Other items noted and discussed were a Department of Interior "policy lead," Humboldt County's 50,000 acre feet, Lewiston power plant update, citizen's letters critical of TMC to make decisions and move forward in timely manner, whether 100 % of Chinook should be marked at the hatchery, and an annual report.

5. Report from TAMWG Chair

Arnold Whitridge, Chair of Trinity Adaptive Management Working Group (TAMWG), reported that the TAMWG feels TRRP and TMC agencies are responding positively to public issues, (e.g., joint float with guides and that TMC is listening to and "wrestling" with, public concerns). TAWMG is pretty happy with the Phase 1 review. They like the process as outlined and that it is finally happening. The System Status report from Hemphill should be a "living document" that will be updated periodically. TAMWG endorses the effort to compile 10 Big Questions to help guide TRRP. Whitridge remarked that this "sort of overlaps" with the Systems Status report and combines with flow future actions, and this will all help to gauge program success. He reported that, at the September 12, 2011 meeting, TRRP Executive Director, Robin Schrock, asked about how "hard" the 20/30/50 split of budget spending should be. Whitridge remarked that TAMWG sees that there should be flexibility for a variance, especially this year during the Phase 1 review but other members think it should be permanently flexible – clarifying that the 20/30/50 should be flexible – and remarking that there are different ideas about what is "flexible." Mike Orcutt's proposal to transfer $2 million from RIG to science and also to decrease the watersheds portion dismays TAMWG – such a large-scale shift is "more than a variance." TAMWG thinks variance or flexibility is much less than $2 million. On another issues, Whitridge reported that TAMWG member Ed Duggan wanted TRRP to mark 100 % of hatchery fish. Lastly, Whitridge brought up the issue that TAMWG is not happy with the lack of replies they receive from the TMC to letters sent. He mentioned the March guide's letter sent to TAMWG.

Roger Jaegel said it was "embarrassing" that the TMC can't answer a letter in a timely manner. He opined that a response may be that the TMC doesn't have all the information at this time, but a timely response is needed.

Whitridge said he had sent a letter about adult holding and there was no response. Brian Person said he would look for the letter that adult holding did not "make it above the line" – it might be a scientific call, as such it may be best to ask the scientists to write a paragraph on adult holding.

Robin Schrock asked if all TMC members normally provide input to response letters. Person clarified that he drafts the letter, asks staff to provide technical background, and then he drafts it to the TMC.

6. Report from Executive Director

Robin Schrock, Executive Director of the Trinity River Restoration Program (TRRP) gave a report and update on recent developments in the program (see handout).

7. TAMWG and TMC Action Items Update

Robin Schrock gave an update on the action items for the TAMWG and TMC.

12:30 – 1:30 Lunch

Information / Decision Items:

8. 2011 Flow Schedule

Andreas Krause of the TRRP gave a presentation on flows and results from the high flows release this spring. He passed out a handout detailing his presentation.

Curtis Milliron made a motion that TMC adopt the proposed modified ramp down.

Ann Garrett seconded the motion.

The motion passed unanimously. (Nancy Finley was absent.)

9. Infrastructure Improvements

DJ Bandrowski of the TRRP provided an update on infrastructure improvements. He described the original well grant program as community friendly, but a cost to program. He noted that some landowners did not originally apply as they did not anticipate the high flows and did not anticipate the river would move. Bandrowski described modifications to Lewiston Dam to address temperature issues. He noted that funding is unclear on this and asked if Sacramento could fund it.

Mike Orcutt asked about the status of Biological Opinion. Anne Garrett responded that in approximately one month the draft will go to Reclamation.

10. 2012 Budget

A presentation on the 2012 budget was made by Robin Schrock, Ernie Clarke, and DJ Bandrowski of the TRRP. (See hand out).

Arnold Whitridge noted that the design team is learning all the time, but the approach of going forth without Phase 1 review is questionable. Bandrowski responded that they are going to move forward on other design options as they look into Phase 1 review, which will be completed in June/July 2012. This will allow them to adjust designs for 2013.

Mike Orcutt asked about the NEPA/CEQA, permits, and compliance. Ernie Clarke responded that KBO was under this line but is no longer there in detail.

Dave Hillemeier asked about compliance increase. Bandrowski responded that they are trying to catch up and lead compliance at 30 % design rather than wait for 100 % design.

There was additional discussion on the implementation schedule and KBO funding.

During 2011, watersheds did not get funded until last August. This caused a bottle neck and they could not do the assessments that were needed, so they are not prepared for 2012. Watersheds can have prioritized projects for 2012; any additional funding is for planning a basin wide “gap” or assessment or rapid assessment analysis to help prioritize projects in 2013 and future.

Ernie Clarke noted a reduction in the science budget and discussed how to adjust. Dave Hillemeier described some of the budget negotiations and there were extensive discussions about spring Chinook harvest monitoring. Person noted that funding for spring Chinook harvest monitoring will need to be reconciled

TMC members were asked to characterize their areas of concerns. Roger Jaegel noted that large woody debris supply costs are too high and that watershed funding should be increased. Bill Brock noted that a decision should be made on the South Fork Trinity—whether or not to include it in watershed restoration. Mike Orcutt thought that watershed restoration should be a RIG portion and that a potential “fix” is to convene the group and prioritize what they can do. He thought that the gap analysis is extremely inflated and that the upper 40 miles mainstem should be the focus. Curtis Milliron noted the need for additional fish work including the Yurok spring Chinook harvest monitoring. Dave Hillemeier noted his concern with Lewiston appraisal study and that it shouldn’t be funded by the TRRP but by the Central Valley Operations.

There was more discussion on the funding of watersheds. Mike Orcutt noted that most of the land is in USFS in the Trinity and in private holdings in the Klamath—he questioned what might be accomplished. Arnold Whitridge noted that there hasn’t been full funding of watersheds and that TAMWG thinks watersheds has been underemphasized.

Dave Hillemeier made a motion to approve the work plan with the caveat that the $500K earmarked for watershed planning be contingent upon a plan being developed and presented to the TMC for approval.

The motion was seconded by Bill Brock.

Motion was passed 7 to 1 with the Hoopa Valley Tribe voting no.

Adjourn for the day

Day 2, Thursday, September 22

Information / Decision Items:

Brian Person opened the meeting and introduced the review of the April 2011 minutes.

A motion was made to accept the April 2011 minutes with exception of changes that Hillemeier will provide directly to Schrock.

The motion was seconded.

The motion passed unanimously with one abstention by Roger Jaegel.

Brian Person next moved to the review of the May 2011 minutes.

A motion was made to accept the May 2011 minutes.

The motion was seconded.

The motion passed unanimously. Curtis Milliron and Andrea Hilton abstained.

11. Implementation Update

D.J. Bandrowski provided the implementation update. He described the 2011 work and noted that Wheel Gulch went smoothly and on schedule. This was the first time there was no sediment releases that rose above the 20 ntu threshold. An outside construction firm (CH2MHill/ENTRIX) was used to determine where wood structures were placed with DWR concurrence. There were questions about fish, drainage, and public perceptions.

Bandrowski next described the revegetation efforts. He noted that the 2010 project sites will all be planted within the period of November to March and that Northwind and the Trinity County Resource Conservation District (RCD) are on the ground now doing pre-planning.

Next the watershed projects were discussed regarding the source of funding and whether such projects should be limited to only sediment control or whether other projects are allowed. Roger Jaegel said he would review the Record of Decision (ROD). Jaegel also opined that the South Fork Trinity has a huge impact on fisheries. Person responded that the TMC cannot make decisions that cause work to be done outside the authority of the Secretary.

12. FEMA 100-yr Floodplain Study Update

Teresa Connor of the California Department of Water Resources (DWR) described the floodplain study. The DWR is under contract to FEMA to redraw the 100-year flood plain contours. She described the review steps and the issues associated with a change that might lower the floodplain by 1 foot. The TRRP conferred with FEMA and DWR to seek guidance on how to handle changes to the Base Flood Elevation (BFE) due to construction of restoration sites several years ago. At that time, FEMA stated that the TRRP would have to go through the CLOMAR/LOMAR process for any sites that have a change to the BFE (raising or lowering). DWR designs their restoration sites so that there is no change to the BFE because of the effects on flood insurance for private landowners.

13. Large wood meeting October 20

The agenda and presenters were described. There will be a public outreach session in evening from 6:00 to 8:30 PM and a raffle for a 1-day float trip and fishing rod. Location is at Golf Course in Weaverville.

14. Dark Gulch Feasibility Study

The study was completed November 2010 and is currently out. This also addresses Bucktail Bridge. One remaining question is the protocol for revisiting project sites. It was recommended to put this on the TMC December agenda. Dave Hillemeier asked if this happened and if not it should be put on the March agenda. Roger Jaegel suggested they do risk analysis at Bucktail (cost/benefit) and to look to the County to be major partner in planning and funding.

15. 2012 short term implementation plan

D.J. Bandrowski gave the following schedule:

- TMC coordination call October 20
- TMC coordination call November 17
- December 14-15 meeting in Redding
- TMC coordination call January 19, 10-12 noon
- TMC coordination call February 16
- March meeting 28-29 10:00 AM both days Weaverville

Action item: Bandrowski will provide the 2012 short term implementation schedule to Brian Person so it can be sent out in separate email and in the minutes.

16. Phase 1 Review Update

D.J. Bandrowski provided an update on the roles and responsibilities. Bandrowski noted the meetings with the Science Advisory Board (SAB) where the TRRP emphasized the importance/priority of Phase 1. SAB concurred to develop a scope of work/planning document by September 30. The scope will be sent to program partners. He passed out a handout that described the roles and responsibilities. He has received comments from the Fish and Wildlife Service (FWS). He had scheduled a teleconference with the SAB on September 29 to discuss their scope of work. A $400K, 2011 Indefinite Delivery Indefinite Quantity (IDIQ), contract has been awarded to Anchor QEA/ Stillwater Sciences.

17. SAB Support Contract

SAB External Review Panel has been funded for $200K in 2012 to review the final document with the expectation that the SAB will synthesize the expert panel findings to guide Phase 2. Arnold Whitridge asked about independence of the review if the TMC is asked to approve the scope. Tim Hayden agreed that review could be independent, however the questions that are scoped out and framed are important (e.g., how has the program followed the Flow Evaluation guidelines, or how has the program followed AM in developing the Phase 1 design). Andrea Hilton agreed with Hayden.

Tim Hayden asked when the results may be used in Phase 2 planning. Bandrowski responded that there will interim benefits and final next summer. The TRRP will work with the Design Team and TMC to move forward.

12:00 – 1:00 Lunch

Information / Decision Items:

18. Fiscal 2013 work planning

Ernie Clarke noted that the "systems status report" has evolved from the performance measures development. In April, Nina Hemphill showed the Template for the Performance Measures. This was not completed—they were supposed to share draft with the TMC. They did have performance measure documentation sheets for indicators, but they had not gone back to the contributors to review the document sheets and the narrative found in the systems status report. Clarke, D.J. Bandrowski, and Robin Schrock will review and provide update on performance measures and system status report and provide link with other documents.

Clarke presented a process intended to use for 2013, building in more time for investigation plan development. They provided the SAB more warning that we need their input at two times, in December—when they develop the preliminary plans, and then in the spring when we have the expert reviews back.

IAP has great detail, but over 80 prioritized assessments, so they are using the Platte River example to have a contractor (ESSA) experienced with Conceptual Models Report to develop the ten big questions from IAP.

19. Program activities / priorities

Ernie Clarke presented the table he prepared about ongoing activities by Work Group. There are 40 different activities listed and some recur every year, and some are major efforts. Chris Moore had been pointed out that the TRRP "takes on a lot." Big Questions might help the Program to prioritize these. It is the same folks who are involved in these activities. IDT will wrestle with these activities and try to build a more complete list and see how they can be accomplished. Regarding the Big questions by mid-late October, Clarke noted that ESSA will solicit input about the list.

20. Reviews: reviews for 2011

SAB is going through the reviews on the FTP site to recommend how to revise the process for the next go around. Review of reports from 2011 that did not go through the process will need to go through review now. The sediment report is being revised based on reviewers comments. The redd report is also under review. One IHAP report is under review at UC Davis and comments are being packaged and sent to authors. The 2010 state report will be reviewed by sub-program review. The SAB will evaluate the investigation plan process and will make recommendations. Some projects were internally reviewed enough, if ongoing, will not need to be re-reviewed again for some time.

21. Development of TRRP Scientific Peer Review Guidelines

For the Fiscal Year 2013, an investigation plan review is upcoming.

22. Table of process for report review

A draft process has been laid out. Tim Hayden noted that there has been discussion about programmatic level review. For example as some of the synthesis report produces come out with those broader reports, will the SAB initiate a program review. SAB asks us to respond to their previous recommendations

Ernie Clarke articulated that after the Science Symposium and results for SAB Phase 1 review we will be better able to prepare for a programmatic review.

Regarding adult monitoring review, the panel was provided with information and will lead a review workshop in October. Clarke asked TMC to help decide what to focus on. Joe Polos asked that the IDT and TMC identify those items that need to be completed in a more timely manner. Clarke responded that their intention is to come up with an interdisciplinary plan.

Regular Business:

23. Open Forum: Comments from the public.

There were no comments.

24. Calendars: Confirm next meeting dates and locations

The next meeting dates and calendars were discussed.

Meeting Adjourned