

Final Minutes  
**TRINITY MANAGEMENT COUNCIL**  
Yurok Tribe Conference Room, Weitchpec, CA  
Wednesday and Thursday, April 13-14, 2011

**Wednesday, April 13, Start of meeting 10:05 AM**

**Attending Members:**

|                               |                                                              |
|-------------------------------|--------------------------------------------------------------|
| Brian Person                  | Bureau of Reclamation, Chair                                 |
| Nancy Finley                  | Fish and Wildlife Service, Vice-Chair                        |
| Dave Hillemeier               | Yurok Tribe                                                  |
| Ann Garrett                   | National Oceanic and Atmospheric Administration, Fisheries   |
| Roger Jaegel                  | Trinity County                                               |
| Bill Brock <sup>1</sup>       | Forest Service                                               |
| Mike Orcutt <sup>2</sup>      | Hoopa Valley Tribe                                           |
| Curtis Milliron <sup>3</sup>  | California Natural Resources Agency                          |
| Arnold Whitridge <sup>4</sup> | Trinity Adaptive Management Work Group                       |
| Jennifer Faler <sup>4</sup>   | Trinity River Restoration Program, Acting Executive Director |

1) alternate for Sharon Heywood, 2 ) replaced by George Kautsky on day 2, 3) replaced by Teresa Connor on day 2,  
4) non-voting members.

Others that attended: Larry Hanson and Wade Sinnen, California Fish and Game; Joe Polos and Vina Fry, Fish and Wildlife Service, Arcata Field Office; Ernie Clarke, Andreas Krause, Dave Gaeuman, and Nina Hemphill, Trinity River Restoration Program; George Kautsky, Hoopa Valley Tribe; Kelli Gant, Emelia Berol, and Gil Saliba, TAMWG members; Tim Hayden and Andrea Davis, Yurok Tribe; Peter Funkhauser, Bureau of Reclamation.

**List of Motions and Action Items made during the Meeting**

**Dave Hillemeier made a motion to send a second letter to the Office of the Solicitor asking for response to the hatchery issues since a hatchery review is underway.**

**The motion was seconded by Roger Jaegel.**

**The motion passed with seven aye votes. The Hoopa Valley Tribe abstained.**

**Dave Hillemeier made a motion that the Trinity Management Council recommends the Water Year 2011 flow releases from Lewiston dam to the Trinity River follow the “WET 11-B” alternative as presented. This release hydrograph is intended to accomplish a variety of restoration objectives, as well as adaptive management leaning regarding sediment transport dynamics, riparian regeneration on floodplains and performance of channel rehabilitation features constructed in Phase 1. However WET 11-B is a hybrid between Record of Decision (ROD) recommended releases for wet and extremely wet**

**water years. As such, it is recognized that it will not fully accomplish all associated objectives with either of these ROD recommended releases.**

**Bill Brock seconded the motion.**

**The motion was passed by seven ayes. The Hoopa Valley Tribe opposed.**

**Roger Jaegel made a motion to accept the December 2010 minutes as edited.**

**Dave Hillemeier seconded the motion.**

**The motion was passed unanimously.**

### **Regular Business:**

#### **1. Introductions**

Brian Person, chair, opened the Trinity Management Council (TMC) meeting. Person welcomed new member Curtis Milliron. The current members and members of the audience introduced themselves. The agenda for the meeting was reviewed. It was requested that the December minutes be reviewed tomorrow.

#### **2. Open Forum**

There were no comments from the public at this time.

#### **3. Report from Trinity Adaptive Management Working Group Chair**

Arnold Whitridge, chair of the Trinity Adaptive Management Working Group (TAMWG), had these items to report from their meeting held yesterday:

- A number of fishing guides attended the TAMWG meeting.
- The TAMWG recommended the TMC support the Workgroup flow proposal WET 11-B. This was unanimous for the TAMWG members present. Byron Leydecker was absent but sent a letter that stated he was opposed.
- There were presentations on performance measures.
- Whitridge took this time to make some impromptu remarks. Whitridge “hypothesized” that it would be desirable and not difficult for the TMC to improve its dialog with the public including the TAMWG. This would encourage the input of helpful advice, would engender public and political support, and it wouldn’t require the TMC to take any recommendations. Whitridge asked that that input from TAMWG be explicitly discussed and responded to. The TAMWG is not able to tell whether the TMC is listening to the input from the TAMWG. A written communication would be highly helpful; and Whitridge noted it has been 15 months since the last written response and at a minimum it would help to hear what the TMC thinks on issues important to the TAMWG. Whitridge wants the communication to be an “ongoing dialog.”

Dave Hillemeier asked about a letter sent from the TMC to the TAMWG last December. Whitridge pointed out that letter was a draft response. Roger Jaegel agreed that either the public or an advisory group should not be kept waiting for 15 months. Hillemeier was under the

understanding that the TAMWG did not want to have a joint meeting. Whitridge responded that this has changed and now the general TAMWG body does want to have a joint meeting. Person thought a joint meeting is the “next step.” It was noted that the TAMWG chair is now an ex-officio member of the TMC and that three TAMWG members were in attendance of the TMC meeting today.

There was discussion of watershed efforts and Whitridge noted that the TAMWG doesn’t know what the TMC is thinking. Person asked that the TMC members take a final look at the 11-page “mega-letter” that was drafted to explain the thinking and positions of the TMC to see if it correctly captures the positions of the TMC.

Mike Orcutt supported more communication and also noted that the communication needs to “work both ways.” He cited an instance where the TAMWG did not respond or provide support for a particular Hoopa Valley Tribe effort (HR-2733) that pertained to full funding and watersheds.

A discussion continued and it centered about some of the problems with (e.g., whether or not) the TMC was communicating their positions or following through with requests by TAMWG. The discussion started with the recognition that different views exist among the TMC members regarding policy and position on various issues. The TMC chair sometimes has difficulty in simply stating the policy for the TMC without first hearing from them. Jaegel agreed with Whitridge and expressed his confusion about certain positions on policy of the TMC on issues such as temperature. Hillemeier supported Person’s position and opined that the TMC has taken positions on issues such as seeking a determination that the program cannot do restoration in the South Fork Trinity. Whitridge listed two instances of a “lack of response.” First, the issue of the hatchery has never reached a conclusion. Second, carry-over water has never been discussed. Whitridge noted that the TMC simply “side-stepped” the question of the hatchery by passing the issue onto the office of the solicitor. Hillemeier noted that the reason for “tabling” the hatchery issue was that an official hatchery review was initiated by Federal and state agencies. Roger Jaegel asked if anyone could state the TMC position on hatchery. Person asked, “Which issue?” Jaegel responded, “All the issues.” Jaegel used this point to suggest that, by the TMC going to the solicitor, the TMC is avoiding the issue. Hillemeier again cited that a report from should be produced by December 2011 addressing a number of key questions on the hatcheries.

Person noted that a second letter could be sent to the Office of the Solicitor requesting the legal guidance to the hatchery issues and defining who does have authority to modify production goals.

**Dave Hillemeier made a motion to send a second letter to the Office of the Solicitor asking for response to the hatchery issues since a hatchery review is underway.**

**The motion was seconded by Roger Jaegel.**

**The motion passed with seven aye votes. The Hoopa Valley Tribe abstained.**

#### **4. Report from Trinity Management Council Chair**

Brian Person, chair of the Trinity Management Council (TMC) gave some background on the negotiations in Congress and the continuing resolution for the Federal budget. He noted that a budget was passed, any reductions to the Trinity River Restoration Program (TRRP) were very small, and they expect to receive close to the \$15.8 million for the budget.

Person touched on several other items. The hiring process for the Executive Director’s position of the TRRP is nearly final. It is nearly time to re-elect TMC officers. He wants to move forward

with the joint meeting between the TMC and TAMWG. He wants to know whether they should bring Chris Moore back as the facilitator.

Mike Orcutt noted that letters have been written and Commissioners have visited, he asked if these problems, including government to government could be resolved at the “higher levels,” (implying a joint meeting may not resolve problems).

Emelia Berol of the TAMWG said she would very much like to have a joint meeting, but without a facilitator. She thought the two groups simply need “to talk.” Kelli Gant of the TAMWG thought that the TAMWG doesn’t “hold any animosity” but they do have questions. Gant thought facilitation could be managed by chairs of both groups. Dave Hillemeier said he is surprised that there has never been a joint meeting so far. He recommended they try it without a facilitator first, and then go to a facilitator if needed. There was general agreement on this issue.

Person continued with his TMC report. He noted that a decision regarding the 50,000 acre-feet is pending and nearly ready to be issued. Roger Jaegel noted that Trinity County had asked to be consulted, but had not heard anything. Person suggested that if the decision is going to end up being “counter” to what Trinity County hopes, they will be consulted first before a public announcement is made.

#### **5. Report from Trinity River Restoration Program Executive Director**

Jennifer Faler, Acting Executive Director of the TRRP, passed out a handout constituting her report. She noted several areas of progress for the TRRP:

- they have been implementing the 2011 projects and are planning the 2012,
- the organization has been “refined” and they have a new definition of “consensus,”
- they are still under continuing resolution and they don’t have a budget,
- all investigation plans are being reviewed externally, and
- there will be presentations on flow and on the development of performance measures.

#### **6. TAMWG and TMC Action Item Update**

Jennifer Faler referred the members to two “Action Trackers,” one for the TMC and one for the TAMWG. The Action Tracker listed various tasks that the TMC had been requested to do by the TAMWG or tasks that the TMC had decided to do along with dates and actions performed or status of each. Faler went over the Action Trackers in detail and commented on several specific actions: the “mega letter,” boat ramps, limiting factors analysis, and roles and responsibilities. She noted that the conflict of interest and hatchery action items are not complete. Voting structure and membership on the TMC have been completed. Minimum pool carry-over and river temperatures will be covered at a May TMC meeting. There was discussion about watershed efforts and the problems that could be addressed with sediment, particularly roads. They still need to incorporate comments from the Science Advisory Board. There is a new website designed that will be easier to navigate.

Responding to questions, Faler noted that the budget issue resulted in one channel rehabilitation project and one watershed project being lost and also that it caused some consternation and lost time in planning and contracting. Ernie Clarke commented that the budget issues did impact planning for the science projects.

There was some clarification offered about whether a disease study in the Lower Klamath or a limiting factors analysis for spring chinook in the South Fork Trinity were being conducted.

### **Break for lunch at 12:35 PM**

### **Information/Decision Items:**

#### **7. Flow Release Recommendation**

Andreas Krause, of the TRRP, gave a presentation on the basis for the current flow release recommendation. He acknowledged the efforts of many people that contributed. He went over the various data sets that go into the weather forecast and water year. The forecasts are for a “wet year.” The Flow Workgroup recommended a flow release that is modified from that recommended in the Record of Decision (ROD). He showed a graph of the recommended release referred to as WET 11-B along with two other possible flow releases. He noted that the WET 11-B would peak at 11,000 cfs, would peak earlier, and would last only 3 days. It would not do as much geomorphic work as an 11,000 cfs for 5 days. He showed graphs that the WET 11-B would match the seeding dates of cottonwood and red willow and therefore help their natural establishment on floodplains. The normal ROD wet and extremely wet flows had a 2,000 cfs bench that extended into July. The WET 11-B will hold the 2,000 cfs bench to June 24. The release pattern is also set to facilitate level flows during days of habitat monitoring. They are also coordinating channel work with the flow—they want to open a side channel right before the peak release, do gravel injections during the 3-day peak, and to get flows below 450 cfs for in-channel work soon after July 15. The river temperature model projected in-river temperatures that will exceed the desired levels in the river under WET 11-B, where the 2,000 cfs bench differs from the standard wet water year hydrograph (e.g., temperatures during chinook out-migration may exceed 68 F at Weitchpec in late June). But these exceedances are predicted to be of short duration and typically would occur only under the assumption of a “warm summer.”

Krause next discussed issues of potential damage to properties that may occur with an 11,000 cfs release. Krause showed photos that showed that the 10,100 cfs release of 2006 did get close to infrastructures in the floodplain such as houses. He also noted that 6 new houses have been built in the floodplain. Krause said they drive the river and watch what happens during the high release, they first see what happens at 10,000 before deciding to go to 11,000 cfs.

Following Krause’s presentation, the TMC discussion focused on the likely outcomes and provisions that could be tried to manage outcomes. There was some discussion about the bench and effects on smolt out migration and the issues of potential damage to the six new houses or other infrastructure. Nancy Finley suggested development of an “action plan” to get monitoring results quickly regarding the effects of the flow.

Mike Orcutt asked what “gets lost” as a result of changing the release to 11,000 cfs for 3 days from the original ROD flow of 8,500 cfs for 5 days? Krause said WET 11-B does not evaluate what happens with a full extreme wet year release. But the 11,000 will allow a “better evaluation of response” of designed channels to high flow. Orcutt expressed concern with damages to properties. The TRRP staff seemed to be comfortable that they could manage the 11,000 cfs. Dave Hillemeier noted it is important to be able to explain the flow and its basis. Roger Jaegel wanted to make sure they have a process set up with Trinity County about where buildings can be placed and that updates can be made if the river shifts or moves. Curtis Milliron noted that the timing of the release is very good for cottonwood seedling establishment. Mike Orcutt asked what specific hypotheses will be tested by the 3 day release. Krause said hypotheses will address scour

depth, sediment transport, and channel migration. Orcutt asked if these tests will be definitive enough to evaluate the ROD assumptions. Krause showed past releases for normal and wet years and showed that flows did vary a bit from the planned flows. Roger Jaegel noted that many of the public believe that fluctuating flows that spike and quickly return to baseflow may move fine sediment better than bench flows. Krause said there is some interest in this within the Workgroup, but it was too complicated to be considered for this year. Krause also pointed out the ramp up and ramp down rates are within the recommended limits and should not create excessive stranding of juveniles. George Kautsky asked if the rationale for this alternative flow is to evaluate ROD objectives and if so, he thought this is incorrect. He thought the ROD objectives are guides and the mission is to evaluate hypotheses about how management affects the river. Krause noted that more will be learned with an 11,000 cfs release than an 8,500 cfs release.

**Dave Hillemeier made a motion that the Trinity Management Council recommends the Water Year 2011 flow releases from Lewiston dam to the Trinity River follow the “WET 11-B” alternative as presented. This release hydrograph is intended to accomplish a variety of restoration objectives, as well as adaptive management leaning regarding sediment transport dynamics, riparian regeneration on floodplains and performance of channel rehabilitation features constructed in Phase 1. However WET 11-B is a hybrid between Record of Decision (ROD) recommended releases for wet and extremely wet water years. As such, it is recognized that it will not fully accomplish all associated objectives with either of these ROD recommended releases.**

**Bill Brock seconded the motion.**

**The motion was passed by seven ayes. The Hoopa Valley Tribe opposed.**

## **8. 2011 Budget Status**

Jennifer Faler noted that this item had been put on the agenda before the Federal budget was resolved and, as a result, she had expected a longer discussion. She noted some changes to eliminate a \$2 million deficit. There still is some uncertainty about the final budget based on Congressional actions.

## **Adjourned for the day.**

## **Day 2, Thursday, April 14, 9:05 AM**

Brian Person opened the meeting and relayed some news from the budget discussions in Washington D.C. and things seem to be proceeding well and, if this continues, the BOR may be able to move on its planned budget by next week.

Person next asked if the TMC was ready to approve the December 2010 minutes. Nancy Finley Finely, Ann Garrett, and Larry Hanson offered editorial corrections. Dave Hillemeier asked if he could slightly modify the language reflecting his motion that recommended a limiting factors analysis be done on the South Fork Trinity River. He asked to change “..identify a short term solution to help prevent extinction” to “..identify short term solutions to help prevent a downward trend.” Brian Person queried the membership for any objections and none were heard. George Kautsky pointed out the value of having motions listed on the screen as Andreas Krause had done yesterday.

**Roger Jaegel made a motion to accept the December 2010 minutes as edited.**

**Dave Hillemeier seconded the motion.**

**The motion was passed unanimously.**

**Information Items:**

**9. 2012 Budget**

Jennifer Faler gave a presentation on the 2012 budget and a timeline as to how it will come together. Though the budget was not being put for approval she was seeking input on allocations of budget. The projected budget is \$15.6 million. This will be allocated as 16 % administration, 48 % rehabilitation, and 36 % science. There were questions about how the allocations were estimated. It was pointed out that administration includes the permanent FWS staff and it includes funds for TMC members to attend meetings. There was a decrease in the administration by 4 % from past years estimates due mainly to more accurate categorization of activities. This shift of 4 % appeared as if funds paid to FWS staff formerly classed as administration were now being classed as science. This raised some concerns. Faler responded that this new budget display reflects what a number of stakeholders want and have asked for. Displaying the budget this way does not affect funding to specific projects, instead it is to respond to a request and desire to show how the budget is being spent. She noted that there is a demand and need for implementation and there is a growing need for science to be able to track the program. Faler went over the budget in detail to show how items were estimated.

Ernie Clarke, of the TRRP, presented information on how the science program is being managed. He described the process of development of tasks, prioritization, and ultimately the decision process of projects. He showed a timeline of how Workgroups identified needs, the development of a solicitation package, and how work plans will be developed by this May. He showed examples of how Workgroups prepared a prioritized task list and the development of an Integrated Workgroup list and the IDT ranking of projects. In response to the solicitation, they received proposals for investigation plans, staff projects, and on-going contracts. He said they are looking into market research to address four needs. Project proposals went out for scientific review and reviews should be coming in this week. He showed a spreadsheet of tasks, with prioritization, how addressed, and the review results. He showed that a proposal to map juvenile habitat in the mainstem was rated as a high priority, it is being addressed in a project plan, it is expected to cost \$408,000 and it was reviewed as “superior.” George Kautsky raised his concern with projects termed as “monitoring” (e.g., monitoring adult chinook returns). He commented that such projects may be focused on the collection of data for reporting needs and may not be doing assessments of identified hypotheses or questions—which is the purpose of the program. There was discussion about how proposals and projects are bundled together as complete activities and how individual tasks could be teased apart—particularly those that address specific program needs.

Arnold Whitridge commented that “automatic adjustments” to the 20:30:50 budget allocation are not appropriate. He thought these ratios should not be used to compared years to each other, but be used as a guide on how to allocate spending.

George Kautsky wanted to emphasize that projects and the attendant data collection should be clearly identified for “assessment” and the people collecting the data should also be aware of this focus.

Brian Person asked that the group move onto the next agenda items in order to stay on time. The group could return to this item if there was time. At this time, the agenda jumped ahead to the presentation by on spring chinook, so the visiting presenter would not be kept waiting an undue

length of time. After the spring chinook presentation, the agenda returned to the presentation of performance measures.

#### **10. Performance Measures Update**

This presentation followed the spring chinook presentation. Ernie Clarke introduced the basis of a program to produce performance measures that assess the success of the progress of the TRRP. He introduced Nina Hemphill, fisheries biologist from the TRRP, as the manager and the planned author of the upcoming report, planned for this fall. Hemphill gave a presentation to convey the basis of how performance measures were developed and how they might be used. She described a four-step process of how questions lead to hypotheses, then to measures, and to evaluations. She said the process allows program scientists to answer questions or to project how long it will take to answer questions. She displayed her thoughts about how the Trinity River works via conceptual model of “levels of effects” that produce a myriad of responses. Using sediment and temperature as examples, she said performance measures would seek to find out if we are adding the correct amounts of gravel or whether we are meeting our temperature objectives. She noted that there are objectives for wildlife and riparian such as vegetation structure, encroachment, habitat, and even stranding of egg masses of yellow-legged frogs.

George Kautsky noted that the bird monitoring sounds “vague” and he asked how these sorts of measures may relate to hypotheses about how management actions are achieving goals of the programs. He thought these measures may be good for the public, but he did not want the program to “lose sight of the prize.” Jennifer Faler described her perception of this project as to make a “simple assessment” of how well the program is on track that would be used for the public or people out side the program.

Hemphill continued her presentation by showing an example of performance measures for fish that arrayed through time, the ratio of hatchery fish to natural fish that spawn in the river. This created some consternation from Kautsky that this was not focusing on what he thought was the mission of the program—to restore the fisheries. He pointed out that these metrics (ratios of hatchery to natural) could be achieved in a number of ways such as via harvests or via hatchery practices and not necessarily through river restoration. Hemphill acknowledged that these metrics were chosen to meet the short timeline to produce the first report. She also noted that the data are showing a declining trend of the ratio of hatchery to natural fish in natural areas for adult fall chinook and this is a positive sign. She noted that these same ratios for spring chinook, steelhead, or coho are not declining which is not a positive sign.

Hemphill listed the steps in the project as 1) request performance measures from the TMC and TAMWG, 2) add in any missing measures, 3) set a schedule and scope out the assessment, 4) prepare the draft report for comment, and 5) finalize the report.

Nancy Finley noted that performance measures are not too useful if they do not have a “target goal.” She suggested that defining these target goals are often the hard part and that perhaps those providing the measures could also provide the targets.

Dave Hillemeier asked that these assessments go through the science review process.

#### **11. Spring Chinook Salmon History and Status**

Larry Hanson introduced Andy Hill as a biologist from the California Department of Fish and Game (CDFG) out of the Weaverville office. Hill gave some background on the spring Chinook and described the history of land use as a causal mechanism for the decline of spring Chinook in the basin. Hill first noted that spring Chinook were recently petitioned to be listed for threatened

status under ESA. Hill next presented a timeline of important historical events and how these were related to the decline and development of efforts to restore spring Chinook. Spring Chinook are thought to originally have been the most abundant salmon in the Trinity basin. Early negative impacts included gold mining activities, and the introduction of brown trout. By 1892, it was recognized that there were significant declines in spring Chinook. Hill cited more development including dredging, diversions, and construction of dams through 1960's. The earliest formal surveys were not done until the 1960's and these found up to 10,000 spring Chinook in the South Fork Trinity. In 1964, a large flood combined with extensive logging affected the South Fork with mass wasting and debris torrents. In the late 1960's hatcheries were built. Hill showed graphs of annual returns of spring Chinook to the Klamath basin since 1980. This graph showed peaks of 70,000 fish and lows of about 2,000. These high counts likely include large hatchery influence. In contrast, snorkel counts of wild/natural fish in the Trinity basin conducted since 1980 have ranged from 500 to 2,500 fish. These counts were in the combined streams of Canyon, NF and SF Trinity, New River and Salmon River. He noted that the "restoration era" started in 1998 as Upper Klamath-Trinity Chinook (fall and spring combined) were petitioned under Endangered Species Act.

Ann Garrett commented that the petition to list spring Chinook is a "low bar" but this leads to the next step which is the review for listing. She said that questions NOAA must answer are if the spring should be listed as a separate run from the fall run as a distinct population segment. Larry Hanson noted that while a genetic allele has not been found to separate spring from fall Chinook, there is mounting evidence that they do display distinctions. Bill Brock cited a recent research that showed that, despite being quite similar in magnitude, the 1964 flooding caused much more damage than the 1955 flooding. This result suggests that the accelerated forest harvests and associated road building between these two time periods were the cause of the large damage in 1964. This result further belies the conclusion that watershed restoration is needed. Wade Sinnen said that the CDFG is taking actions to protect the spring Chinook such as restricting fishing during the migrations. Dave Hillemeier also noted that the Yurok Tribe is taking actions to minimize harvest of spring Chinook and they worry that the spring Chinook in the South Fork are following a trend toward extirpation.

## **Lunch Break.**

## **Information / Decision Items:**

### **12. Water Year 2010 Implementation Monitoring Report**

Dave Gaeuman, geomorphologist with the TRRP, highlighted a recent report he prepared and presented the main elements. He focused on channel projects such as gravel additions and side channel construction and gave results of monitoring using pre- and post-project LiDAR surveys and field observations on how projects have fared. He showed several instances of how gravel was added and ways the channels responded and new ideas they have learned. For example, he showed the LiDAR results of how channel bed has changed with gravel injections at the Sawmill site. He said a popular fishing hole was filled and the gravel did not move as readily as expected. He speculated one reason may be the opposite floodplain was sculpted down and this may have reduced scouring flows through the fishing holes. Another possibility is that the contractor put in gravel that was slightly larger diameter. He showed several other cases where gravel moved (or did not move) exactly as expected. He said they have learned some new ideas of side channel construction and now thinks it is important to build hydraulic controls downstream, inside the

channel instead of at the top of the side channel. He said there had not been much “science” in the location of side channels and many of the earlier designs have filled in.

Roger Jaegel asked what objectives exist for gravel augmentation. Gaeuman noted a lack of connection between gravel and fish response. He said that, while at a recent scientific conference, he did not have good answers from questions about success of fish use on their gravel additions. He admitted he could not do the fish assessments as he is mostly focused on gravel movement and the possible infrastructure effects.

There were several concerns raised about review of this report. George Kautsky asked whether there is peer-review from within the program and said the Hoopa Valley Tribe would like to be able to comment on these sorts of reports. Tim Hayden also expressed concern over the review process and noted that the Yurok Tribe wanted to review and comment on it. Jennifer Faler said the TRRP realized they did not have a policy directing how reviews would be performed and they hope to improve this process. Nancy Finley suggested that after the Workgroup provides review, it go to the IDT for review, and that they set time lines.

### **13. California Water Impact Network/TAMWG and Trinity River Guides Association Letters**

Brian Person commented on a letter written to the Secretary of the Department of the Interior from the California Water Impact Network and signed by several members of the TAMWG. The four page letter listing a series of problems and several requested changes to the TRRP. These concerns were mainly focused on indecision and non-performance within the program. Specifically, the letter requested that the Executive Director report directly to the Office of the Secretary and that decision making be enhanced. Person noted that he would write a response letter to the Commissioner of the BOR and asked the TMC members what they would like him to say.

Arnold Whitridge explained that he sees the letter he signed had changed a bit from his personal concerns, but despite this, his biggest problem is with the “lack of action, indecision and lack of resolution” within the program. He cited there has been “no progress” on the Integrated Assessment Plan (IAP) or the hatchery issues. He said things do not get resolved quickly and this situation is not satisfactory.

Person cited that there is unparalleled interest in the program within the agencies but the government to government discussions between the Federal government and the Native American Tribes has embroiled the issue regarding the IAP. He estimated the IAP has come up 10 times during the discussions and it has not yet been resolved. About the issue of indecision, Person noted that when the TMC cannot come to a super-majority decision, the two Interior departments (FWS and BOR) are still obligated to come to a decision. He noted that they did this regarding the budget on two occasions.

Roger Jaegel thought the failure to approve the IAP is a symptom of the failure of the program. He thought the TMC should not be stopped because certain issues exist in the government to government level.

Person noted that the TMC has not handled the conflict of interest, but he thought the TMC has come a long way toward dealing with some of the issues. Arnold Whitridge agreed that the TMC has come a long way. George Kautsky said the TMC hasn’t gone as far as he had hoped. He noted that the Hoopa Valley Tribe may not be so concerned about the prioritization of projects as long as the Tribe has some guarantee of work via AFAs (Annual Funding Agreements).

Dave Hillemeier commented that he was very concerned about the letter and while some items may be valid it seems that others were not. He said the Yurok Tribe was considering its own letter.

Person continued with the letter and noted that any letter he writes would go through two levels of reviews before it gets to the Commissioner. He again asked that the TMC members “walk” through the points and discuss them. The TMC did this and many comments were made. Person noted he would ask if there are ways the two regional directors can help to make decisions locally. Hillemeier wished to clarify that the indecision on the IAP lies more with the Interior Department and not with the TMC. On the issue of turnover of personnel, Person did not know how to address this as it is beyond the program and is the nature of work in government. Kautsky and Jaegel both suggested the program has the foundation documents that give clear guidance. On the issue of changes to program, it was suggested that there seems to be too much engineering, too many side channels, and not enough letting the river “do its own thing.” Regarding adaptive management, Kautsky noted that they are undertaking adaptive management and they have greater use of independent review panels. Regarding the failure so far to achieve the goal of 60 % recovery of pre-dam populations, it was pointed out that there simply has not been enough time to tell. Regarding the failure to address the hatchery issue, it was noted that they can cite the solicitor’s opinion, the ongoing hatchery review, and that the TMC did ask for a determination on the management of the hatchery. Regarding watershed work, Bill Brock noted that the Forest Service has spent about \$20 million over the past 10 years, mostly in the South Fork.

Person next asked that the TMC turn to the letter from the Guide’s Association. The Trinity River Guides Association sent a letter to TAMWG requesting that the TMC impose a moratorium on Trinity mainstem projects until an evaluation for effectiveness is completed. The guides stated that they believed the projects were having adverse impacts to the holding habitat of adult fish in the river and they asked that \$2 million should be allocated for tributary work to address fine sediment problem. Jennifer Faler commented that the river has shallowed in some areas, in other instances they have filled important and favorite fishing pools.

In response to this letter and in response to other recent concerns Faler had developed a series of actions they can begin and projected the listed actions on the overhead screen. Actions were that the TRRP could 1) hold a Phase 1 implementation review with outside experts, 2) establish a panel for phase 2 designs, 3) institute a revised design process that includes more public input, and 4) host design conference targeting specific design issues. While Faler said she has confidence in the people driving this program, but when asked how the program is benefiting the river, she admitted becoming “tongue tied.”

Person mentioned that Travis Michel, president of the Guides Association, has given them a reprieve and will be watching the results of the high flows. Whitridge says the guides will likely appreciate this year’s flow and they will support an assessment of the flow. Hillemeier thought a letter writing campaign should be avoided and a scientific assessment should be performed to assess their question. Hillemeier asked for an opportunity to review the pre/post pool monitoring that was going to be conducted by Dave Gaeuman and Graham Matthews and Associates. Joe Polos and Larry Hanson mentioned that holding-water criteria for spring Chinook that was developed from the 1988-90 FWS flow study that could be used as part of a study design.

George Kautsky stressed that Faler move forward with the Phase 2 planning in the “spirit of collaboration.” Hillemeier recommended Faler to engage the design team folks on their idea for appropriate review of projects. They discussed the possible response letter that restated the goals of the program and mentioning that the river is dynamic and is in the process of change.

**Regular Business:**

**14. Open Forum**

There were no comments.

**15. Calendars**

Future meetings are scheduled for May 25 and 26 in Weaverville, September 21 and 22 in Arcata, and December 14 and 15 in Redding. The joint meeting with the TAMWG is scheduled for June 29 at 9 AM.

**Meeting was adjourned at 3:50 PM.**