

Final Minutes
TRINITY MANAGEMENT COUNCIL
US Forest Service Conference Room, Redding, CA
Wednesday and Thursday, December 15-16, 2010

Wednesday, December 15

Start of meeting 1:05 PM

Attending Members:

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

1) alternate for Neil Manji, 2) alternate for Irma Lagomarsino, 3) alternate for Sharon Heywood, 4) non-voting members

Others that attended: Jim Simondet, National Marine Fisheries Service, Klamath Falls; Larry Hanson, California Fish and Game; Joe Polos, Fish and Wildlife Service, Arcata Field Office; Don Reck Bureau of Reclamation; Ernie Clarke and Andreas Krause, Trinity River Restoration Program; Robert Franklin and George Kautsky, Hoopa Valley Tribe; Seth Naman, NOAA Fisheries; Elizabeth Hadley, City of Redding Electric Utility Department; Kelli Gant and Mike McHugh, Trinity Lake Revitalization Alliance; Tim Hayden Yurok Tribe; Dave Fisher, Bureau of Reclamation, Denver.

Regular Business:

Introductions

Brian Person, chair, opened the Trinity Management Council (TMC) meeting. Person welcomed Ann Garrett, as a new NOAA representative. The current members and members of the audience introduced themselves.

The agenda for the meeting was reviewed with an addition to discuss the South Fork Trinity.

Open Forum

There were no comments from the public at this time.

Report from Trinity Adaptive Management Working Group Chair

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

1. The TAMWG recommended that the TMC support Phase 2 planning in concept, but include a robust process for inputs from public.
2. The TAMWG recommended the TMC support the Executive Director's proposed budget for 2011 and if additional funding is not found, that the budget still reflect the 50:30:20 funding splits.
3. The TAMWG received a presentation on the Fish and Wildlife Service hatchery review.
4. They received a presentation from Paul Fujitani of Central Valley Operations of the Bureau of Reclamation. Whitridge noted this was helpful.
5. They received the draft response from the TMC chair regarding the responses to the TAMWG.

Andreas Krause also noted the Trinity River Guides Association attended the TAMWG meeting and stated their concerns about what they have been observing regarding the river and the restoration efforts. The guides are concerned about changes they observe in the river and are questioning some of the strategies of the program. This generated some discussion about how important this is. Many thought it is important to track this and be aware that this may be a sign of declining public support. Specific concerns of the guides are "filling-in" of long-term holding water or "holes" in the Trinity River. They think this is occurring as a result of restoration activities, specifically gravel additions.

Report from Trinity Management Council Chair

Brian Person, chair of the Trinity Management Council (TMC) first stated his sadness at the passing of Serge Birk. He acknowledged Tom Weseloh's new career move and his loss to the program. The Bureau of Reclamation (BOR) is ready to make a decision on the 50,000 acre-feet determination for Humboldt County in the next couple of months. The TMC interviewed two candidates for the Executive Director's position and could not reach a decision and therefore decided to re-advertise the position in trade journals. Person recognized Jennifer Faler in her position as Acting Director during the interim, and Andreas Krause for helping out by taking on the leadership of the Rehabilitation and Implementation Group.

Person passed a draft letter that proposes a joint meeting with the TMC and TAMWG. He asked that any comments from TMC members be passed back to him within the next few days.

Person accepted responsibility for not getting the 11-page response letter response delivered to the TAMWG earlier, but noted it was a bigger task than he thought. He explained the letter was presented as a draft for which the TAMWG is to comment before finalizing. He also offered it to the TMC to provide comments too.

Report from Trinity River Restoration Program Executive Director

Jennifer Faler, Acting Executive Director of the Trinity River Restoration Program (TRRP), referred to a packet she passed out to TMC members and reviewed various items. She "walked" the TMC members through her roles and responsibilities document. She noted some changes to the TAMWG membership. She mentioned the Science Advisory Board and the intention to start outside review. She provided a definition of "consensus" that the program wants to adopt for the work groups; the definition clarified that not all members need to agree. She noted a list of the FY 2011 work groups with their coordinators.

Teresa Connor asked about TAMWG members attending work groups and receiving compensation. Arnold Whitridge explained the FACA constraints that do not allow TAMWG members to attend non-FACA meetings as a TAMWG member. They could, however, attend as a member of the public or a representative of their constituent group—this means they cannot be reimbursed for travel. Nancy Finley suggested that this question of FACA member involvement with government could be put to the solicitor more precisely and the answer put on a website.

There was some discussion of the definition of consensus with edits offered. There was discussion about what level of support a dissenting member is required to give to the consensus decision and that the dissent is documented. On the one hand, the dissenting member may only be required to “live with” the decision and on the other hand, a dissenter would still support any consensus decisions. After discussion, Person asked if there was anyone on the TMC that could not support this definition of consensus. There was no dissent at this time.

Action Items Update

Nancy Finley believed that progress was being made on the renewal of the TAMWG charter. She explained that decision-makers at the regional office did not know what the FACA charter renewal was and therefore did not act on it.

Information/Decision Items:

Klamath Biological Opinion Update

Jim Simondet of the National Marine Fisheries Service (NMFS) in Klamath Falls, gave a presentation on the Biological Opinion on BOR plans to manage flows in the Klamath Basin. NMFS was charged to decide if the project would adversely affect the Southern Oregon/Northern California (SONCC) coho. They considered proposed releases from Iron Gate Dam and the Upper Klamath Lake levels. He presented data suggesting levels of disease increase below the Iron Gate Dam and that coho are in danger of extirpation in the entire Klamath Basin. NMFS determined a number of significant effects that would occur to habitat and fish performance. They proposed, as a reasonable and prudent alternative, that the project increase and enhance the flows. These proposals were based on Hardy Phase II model approaches. They reviewed flows proposed by the BOR and recommended changes that included increased flows during spring and also reduced flows in October. They also recommended flows to better mimic natural hydrology.

Simondet said that the recommended flows were not very well accepted by the BOR. For example, the BOR ran the recommended flows through a model and concluded they would pose increased risks to listed Klamath Lake suckers. There were other concerns about meeting the flows to better match the natural hydrograph. They expect to hold new consultations.

The TMC had questions about how hatchery coho fit into the concept of viability. Another question asked how to balance between two listed species. Simondet said this is complicated and opined that there is not enough water for both species.

Robert Franklin asked Simondet how NMFS concluded that 1000 cfs may be acceptable below Iron Gate Dam in October when the Hardy Phase 2 report recommended that flows should not be less than 1400 cfs. Simondet said NMFS thought 1000 cfs could provide for fish migration

especially if delivered in “freshets.” He also noted that Hardy’s recommendations were for multi-species approach. But he noted that he would welcome new information.

When asked by George Kautsky about how the NFMS opinion may affect or help to restore the Trinity fish as part of an integrated solution, Simondet acknowledged that this is out of their scope.

Channel Rehabilitation Update

Andreas Krause presented an update on the channel construction projects. He described a recent incident where rainfall and an unexpected dam release lead to increased turbidity and created issues with fishing guides. Given funding shortfalls, he listed the two most likely sites to be performed this summer—Wheel Gulch and Upper Sawmill Bar enhancement. Five other sites may need to be deferred to 2012. He noted that TAMWG recommends independent review for all designs starting with 2011 projects.

He showed the designs for Wheel Gulch, Limekiln, Douglas City, and Lorenz Gulch. Krause noted several concerns with the design of multiple side channels and lowering of floodplains at Lorenz Gulch. To help side channel stay open, they are proposing using engineered log jams near the side channel entrances. There is additional concern that by diverting water into side channels, a known adult holding pool may start filling in.

Brian Person asked how long it would take to get an independent review. Krause thought it could be reviewed within a month, but if major changes were suggested, that could take more time. Roger Jaegel asked how one would select a reviewer. Jennifer Faler said she had received some references for geomorphologists from Claire Stalnaker. She also thought a Science Advisory Board member would likely be a good reviewer since they understood the Record of Decision (ROD). There were questions about whether or not the TAMWG understands that the designs do undergo internal review by geomorphologists and whether the TAMWG simply doesn’t trust these internal reviews performed by the TRRP. Arnold Whitridge clarified that the TAMWG wants independent review as prescribed by the ROD.

In Lower Steiner Flat, Krause showed another side channel design that contained anabranching channels. A large log jam is proposed to be placed there as a demonstration project.

Krause listed elements of the Phase 2 plan. He listed questions about the design trends, the need to evaluate Phase 1 sites, the need to develop quantitative habitat targets, definitions of complexity, cost effectiveness, incorporation of public input, and independent review.

Nancy Finley asked if it would be better to first complete the Phase 1 reviews before spending too much time on new Phase 2 designs. Maybe only focus on the one Phase 2 that the program can afford to be put out for outside review. There was other support for completing some level of a review of Phase 1 projects.

The meeting adjourned for the day.

Thursday, December 16, 9:05 AM

Brian Person opened the meeting and asked if the TMC was ready to approve the September minutes. Mike Orcutt had not had time to review the minutes and asked if the TMC could submit written comments. The minutes would then be edited and submitted back to the TMC for acceptance at their next phone conference in January.

There was discussion over the strategy of “pausing” the program to evaluate the progress and effectiveness. There was discussion about the value of getting an outside review of designs such as Lorenz Gulch. There was some confusion over why a review was needed. The need to address questions by the public was acknowledged as a need that is not being met. Arnold Whitridge noted that the TAMWG has some concerns about the nature of projects and general concerns about conflict of interest—once concern is that reviews are performed internally. There was some argument over whether there had been independent review by CH2MHill. But it was admittedly only one review. Robert Franklin said that the designs are credible but that there may be a problem with getting the message out to the public. Kelli Gant recommended that written documents likely will not be read by the public but going to the public meetings will be more effective. Nancy Finley noted that there are two issues—problem of communication to the public and lack of trust whether the designs are indeed the best the program can do. A series of fact sheets may be one way to get the information out. Arnold Whitridge noted again that the ROD stipulated peer-review and value engineering may not necessarily be peer-review, though it could be. There was discussion about how the program review would be implemented and whether funds could be reallocated from channel design work. It was decided this would be covered again in their January conference call. It was suggested that a block of funds should be set aside and Jennifer Faler would present the opportunities and costs of program review. Kelli Gant suggested getting volunteers from the public to do the communications such as Travis Michele, the guide that came to the TAMWG meeting. Due to time, the discussion moved on to the remaining agenda items.

Watershed Policy

Jennifer Faler gave an update on ongoing discussions about projects and efforts focused on the tributaries or what is known, collectively, as the “watershed.” Dave Hillemeier argued for the value of protecting the spring chinook stock in the South Fork Trinity and thought a limiting factors analysis would be useful. Tim Hayden said the work group considered this and wanted guidance whether such as project would be part of the 2012 work plan. Mike Orcutt said the tribes are concerned over the clarity of authorization of budgeting for work in the South Fork and whether the intent of the agreement is being followed. Faler thought that additional legal interpretations are needed. Brian Person, responding to questions from Arnold Whitridge, said that statutes allow spending of restoration funds in the tributaries, but he did not know what extent of spending is allowed. One issue is that 830 funds cannot be used for “extensive” work in tributaries. Roger Jaegel thought the logic is in place for spending funds in the South Fork. Mike Orcutt questioned the value of a limiting factors analysis on the South Fork. Dave Hillemeier, Larry Hanson and Seth Naman added their voices for support given that only 100 spring chinook thought to be returning currently and the long-term trend of population abundance appears to be on the decline. Joe Polos said the fish work group was looking for policy guidance about how far to proceed in taking on South Fork issues. There was discussion whether to make motion or to wait to discuss this further at the January conference call.

Dave Hillemeier made a motion to direct the fish work group to consider adding to the list of projects a plan to perform a limiting factor analysis on the South Fork Trinity spring chinook that would emphasize the use existing information, identify data gaps, identify bottlenecks, and identify short term solutions to help prevent a downward trend. This motion would be subject to concurrence of NEPA compliance and statutory authority.

The motion was seconded by Roger Jaegel.

The motion passed by a vote of seven ayes and one nay. The Hoopa Valley Tribe opposed.

Before the vote, there was discussion about some of the ongoing work by the South Fork watershed council, about whether NEPA would prevent such a motion and the authority to use restoration funding. An amendment was added to address authority. It was further pointed out that passing this motion would place this effort higher up on the list of priorities and therefore could supplant other projects. The motion was amended to let the work group decide the priority. Finally it was suggested that the analysis determine the causal nexus for authority, but no amendment was added.

Temperature Update

Jennifer Faler provided the update on efforts on temperature. She listed three action items that are needed for the temperature work group to move forward. She hoped to have these items completed next month. She described a study of the reservoir and possible modifications to the operations. She also described a new Federal watershed grants program and whether there may be additional funding for temperature work. Robert Franklin noted a number of hurdles encountered by the temperature work group such as communication and mis-steps that have hindered their responding to this issue.

Science Program Update

Clarification was provided to the fish work group to continue investigations into Lower Klamath adult fish disease assessment.

Ernie Clarke handed out a five-page memo with additional attachments that outlined the major activities that have occurred since September, 2010. The memo contained a list of priorities of the program, ongoing reports being prepared, the organization of the work groups, status of reviews, and a FY 2012 plans. The amendments included an example work group charter and an example of a work plan item summary.

Clarke asked for guidance about the priorities as they may impact work loads. There was discussion about whether Clarke could assemble reports on program monitoring and whether TMC could provide staff support for this. Example of reports topics include behavior of gravels, geomorphic changes, flow releases, and fish health. Roger Jaegel recommended that reports focus on results and not necessarily process.

Clarke went over the composition of the work groups and an example charter. He noted that reviews are needed and there has not been as much progress as desired. Ongoing work includes juvenile density investigations. Planned reviews include adult monitoring, SAB review, and proposal reviews.

Jennifer Faler went through a decision-flow chart that described the Science Work Plan Development Process that outlined 15 steps through May 2011. This process describes the steps to request proposals, review proposals, and accept those that would become the science program to the next year.

Clarke went over the example of a work plan item summary for carcass surveys. The summary lists objectives of a project, objectives addressed from the IAP, a hypothesis, project scope, technical scope, schedule, organization responsibilities, and deliverables.

Lunch Break.

Hatchery Review

Jim Smith Fish and Wildlife Service, Red Bluff Office, made a presentation on the California Hatchery Scientific Review. Congress directed the FWS to perform the review of Klamath and Central Valley anadromous hatcheries, similar to the ones done in Oregon, Washington, and Idaho. He described three groups associated with the process: a steering committee, a science group, and a facilitation group. The steering committee is composed of Federal and State fish management agencies plus the Hoopa and Yurok Tribes. The committee picks the nine review scientists. The science team will conduct regional workshops to do fact finding, assembly of data, and making of recommendations. They will examine populations and fisheries affected by hatcheries. The facilitation group will help with the assembly of data and reports. Region 1 includes the Klamath and Trinity and is scheduled for completion by March 2011. The Sacramento will be completed by October 2011. The North Coast is not yet funded.

There were questions about the review intending to examine the effects of removing the hatchery on fish populations. Seth Naman asked if this were too intentional, as if hatchery removal were already a strategy in place before the review was completed. Smith noted that the plan was still a draft. Roger Jaegel noted that the review was broad and if it triggered NEPA or CEQA reviews. Smith noted that this is only an information effort and not a decision effort. Robert Franklin asked about the success of the review in the Pacific Northwest. Smith replied that the success is not yet known, but it is considered a success so far. Larry Hanson noted that hatchery fish count toward escapement goals in the Sacramento but not in the Trinity and Klamath. Naman clarified they do count toward escapement goals, if they spawn in the river. Roger Jaegel asked if the review will be involving the public. Smith thought, generally no, but he thought this is something the steering committee may take up. There will be a website that tracks this project.

Regular Business:

Open Forum

Robert Franklin noted his past work with the basin and announced his plans to leave due to family reasons. He expressed his difficulty at “letting go” and his gratefulness and profound attachment to the program. He is moving to a fisheries directory position for the Sauk Indian Tribe near Seattle. Brian Person acknowledged Franklin’s eloquence and passion for the program.

Calendars

Conference calls are scheduled for January 20 at 1:00 PM to 4:00 PM. Thereafter all conference calls are from 10:00 AM to Noon on the following dates: February 17, March 17, June 16, July 21, August 18, October 20, and November 17.

Future meetings are scheduled for April 13 and 14 in Weitchpec, May 25 and 26 in Weaverville, September 21 and 22 in Arcata, and December 14 and 15 in Redding.

Meeting was adjourned at 3:55 PM.