

Final Minutes
TRINITY MANAGEMENT COUNCIL
March 27-28, 2017
Trinity River Restoration Program Office
Highway 299, Weaverville, CA

Day 1, Monday March 27, 2017; 9:30 am

Attending Members

Member	Representative Seat
Seth Naman	National Oceanic and Atmospheric Adm. Fisheries, Chair
Don Bader	Bureau of Reclamation, Vice-chair
Mike Orcutt ¹	Hoopa Valley Tribe
Dave Hillemeier	Yurok Tribe
Bruce Bingham ¹	Fish and Wildlife Service
Terri Simon-Jackson	Forest Service
Tony LaBanca	California Natural Resources Agency
Keith Groves	Trinity County
Caryn Hunt DeCarlo ²	Trinity River Restoration Program, Executive Director
Tom Stokely ²	Trinity Adaptive Management Work Group, Vice-Chair

¹ Arrived during Item 2; ² non-voting members.

Others that attended: Andreas Krause, Kyle DeJuilio (Yurok Tribe); Jennifer Norris, Mike Dixon, Dave Gaeuman, Robert Stewart (TRRP); George Kautsky, James Lee (Hoopa Valley Tribe); Justin Ly (NOAA Fisheries); Bill Brock (USFS), Kelli Gant (Trinity County PUD); Dave Steinhauer (recreational rafting); Dana Hord, Dale Davy, Jerry Payne, Deanna Payne (local residents); Teresa Connor (DWR); Bill Burton (Trinity County); Linsey Walker, Nancy Pigeon, Elizabeth Hadley (Bureau of Reclamation).

Attending by phone: Joe Polos (FWS).

Notes: Kim Mattson (ENW).

List of Motions that Passed

Keith Groves made a motion to approve the agenda as discussed.

Dave Hillemeier seconded the motion.

The motion passed unanimously.

Keith Groves made a motion to approve the September minutes of Draft 2.

Tony LaBanca seconded the motion.

The motion passed unanimously.

Dave Hillemeier made a motion to accept the Gravel Workgroup recommendation of gravel injections of 3500 or 2800 cubic yards for an Extremely Wet or Wet year, respectively.

Keith Grove seconded the motion.

The motion passed unanimously.

Mike Orcutt made a motion to accept the Technical Flow Workgroup and TAMWG recommendation for hydrograph for the Wet Water year.

Keith Groves seconded the motion.

The motion passed unanimously with one abstention.

Bruce Bingham abstained.

Keith Grove made a motion the TMC accept flow option 1 for the Extremely Wet year and keep the start of the 500 cfs the same but move the rest of the hydrograph one week later.

Mike Orcutt seconded the motion.

Keith Groves withdrew his first motion and made a motion to accept the second option for flow.

This motion died for lack of a second.

Dave Hillemeier made a motion to go with the Flow Workgroup's recommendation for Extremely Wet year. The CDFW would volunteer work with Program partners to monitor the effects of the gap portion of the hydrograph. This hydrograph would be the most beneficial for fish.

Mike Orcutt seconded the motion.

The motion passed with six yes votes, one no, and one abstention.

Keith Groves voted no and Bruce Bingham abstained.

Don Bader was elected as Chair by written ballot.

Bruce Bingham was elected Vice-Chair by written ballot

List of Action Items made during the Meeting

Action item: Don Bader will ask the Solicitor if the TMC can add new members.

Action item: Don Bader will present at the next TMC meeting the in-river temperature modeling results that compares Lewiston Dam in place, Lewiston Dam removed, and construction of a pipe to convey water from Trinity Reservoir past Lewiston Dam.

Action item: Dave Hillemeier, Tony LaBanca, Tom Stokely, and Mike Orcutt will form a sub-committee to investigate third party sources to purchase the house at Junction City.

Action item: Seth Naman will send out the edited version of the bylaws prior to the next teleconference call.

Regular Business

1. Introductions

Seth Naman, Trinity Management Council (TMC) Chair, opened the meeting and noted they had not been able to meet in December. He asked that they wait for approval of the September minutes until the arrival of Mike Orcutt and Bruce Bingham. He asked the attendees to introduce themselves.

Naman noted he wanted to add an item about the wells issue during the meeting. Another item was the guides' letter of tributary mouths filling; Teresa Connor asked if Caryn Hunt DeCarlo could look into the status of the guides' reply. George Kautsky said he could present some information on the fish runs.

Approval of the Agenda

Keith Groves made a motion to approve the agenda as discussed.

Dave Hillemeier seconded the motion.

The motion passed unanimously.

Approval of the September Minutes

Approval of the minutes was postponed until the arrival of Mike Orcutt and Bruce Bingham.

Keith Groves made a motion to approve the September minutes of Draft 2.

Tony LaBanca seconded the motion.

The motion passed unanimously.

Tom Stokely gave the background on the wells program. A financial aid program had been established by the TRRP to help repair wells of river-side landowners that were damaged by higher flows introduced by the Program. The agreements to provide financial aid included a

“hold harmless” clause for the government. The river was expected to introduce new changes and the Program did not want to start a precedence of continuous payments. An older, constructed side channel at Salt Flat shifted flow during the recent winter flows and this has resulted in a lowered water table for some river side landowners and their wells cannot access water. The TAMWG had passed a motion recommending that the TMC deal with new well issues on a case-by-case basis. Don Bader said the Bureau of Reclamation had looked into this and it was deemed that the hold harmless clause meant that they would not recognize new claims made by previous claimants.

2. Open Forum: Comments from the Public

Dale Davy, resident of Lewiston, commented that the river did not change due to flow releases, but changed due to the construction of the side channel. That issue should be taken into account in any decisions about accepting responsibility. Mike Dixon noted that the side channel was constructed in 1990 and the river-side residents had already drilled new wells on their own.

Jerry Payne commented on the timing on the Deep Gulch Sheridan Creek project and he wanted to know if the projects had been funded for this year. He wanted to know if the river vegetation would be put back in place if there is a lack of funding next year. He also noted that he was not offered the opportunity to make his comments on the EA.

Caryn Hunt DeCarlo responded that they intend to fully implement the Sheridan project this year. Regarding future funding, the Program has always been funded each year and completing the project is a high priority. She noted the comment period on the EA is still open and Payne can make comments. Mike Dixon said the comments would go directly to Brandt Gutermuth of the TRRP. He offered to discuss this further with Paine during the break.

3. Report from TAMWG

Tom Stokely, TAMWG Chair, walked the TMC through his written report. Stokely started with the September TAMWG recommendations to the TMC. He also noted several motions made in December. Stokely said the TAMWG recommended that the TMC consider the wells issues on a case-by-case basis. A presentation by Danny Jordan to the TAMWG brought up some issues of fish management. There was a TAMWG recommendation that the Program investigate permitting of the Tish Tang fish harvest weir.

Regarding the March TAMWG meeting, Stokely noted comments made by Dave Wellock about filling the vacant membership on the TAMWG for ranchers and irrigators. Also at the TAMWG meeting, John Letton, owner of Indian Creek Lodge, expressed concerns about announcements of safety of dam releases and effects on cancellations. Ken Lindke of CDFW gave an update on fish returns and reported that the fall Chinook returns were the lowest on record. There are considerations underway to shut down all ocean fishing this year and close all in river fishing. Tom Stokely was elected as TAMWG Chair and Darren Mierau as Vice-chair. Paul Hauser commented during the TAMWG meeting that water-based power costs of the Program are now more expensive than energy available on the open market and the power users may not renew their contracts for water with the Central Valley Project (CVP). They are cutting their payments to CVP to match those of the open market and these could affect the TRRP funding.

Other motions that were passed were that the Science Solicitation should be sent to the TAMWG. The TAMWG passed a motion that the TMC cancel the funding for the Refinements effort unless a number of changes were made on the TMC such as change in voting and adding new members. This motion did not pass unanimously. Dave Steinhäuser wrote a dissenting opinion that the Tribes deserve either extra protection or increased decision-making on the TMC.

Mike Orcutt commented on ESA selective harvest and that the decision to set up a harvest weir was not done in a vacuum. The Tribe had been in consultation with NOAA Fisheries. Regarding the motion for funding on the Refinement process, TMC had approved funding for it, and it had been a topic of consultation with both Tribes. The Refinement is not a new topic and is a continuation of the Phase I efforts. Orcutt noted that there had been discussion about perception that TMC is dividing up the budgets and that they are beneficiaries of that. But the various agencies do a variety of tasks for the Program. The construction portion perhaps could be better defined and then they could go about and fix it.

Bruce Bingham commented on the perception to implement adaptive management and decisions were being made changes. However, some may fear how that may affect funding. Terri Simon-Jackson said she thought we need to keep our eye on the ball. She commented that PGE withdrew their application to renew their 50-year hydropower license on DeSabra/Centerville above the Oroville Reservoir. That may mean the dam system will be removed. They should stay tuned as this may be a trend in the future.

Seth Naman said Tom Stokely may be able to bring up conflict of interests during the discussion of the bylaws. Naman noted the TMC was established by the Department of Interior. He noted the establishment was written in Appendix C and he asked whether the TMC has the authority to implement the reforms suggested by TAMWG. He commented on whether or not the TMC listens to the TAMWG and acknowledged that TMC has listened but may not have always implemented the suggestions of the TAMWG. He gave gravel augmentation as an example of their attempts to listen to the TAMWG's concerns over hole filling. He also noted that floats and positive communication occurred there.

Tom Stokely said that Paul Catanese had commented to Stokely that if fish returns were better they would not be complaining as much. Stokely noted that he had originally voted for the supermajority at the time of the TMC formation, but he added he now regrets this decision. He countered that the action tracker showed that reduced gravel recommendations were not followed. And once investigated, the Program discovered that they did not have to inject as much gravel as they had been adding. He reiterated that if power users pull out of this Program, it will bankrupt the budget.

Mike Orcutt noted the concept of re-imbursability. He noted that the CVP including the Trinity River Division was built by the government and some of the costs were to be recouped by water users. He also acknowledged that the power users pay a larger share than irrigators. This has been an issue for some time, and it would be good to have a review of this. Seth Naman said he did respond to the TAMWG verbally on the permitting issue of the Tish Tang fish weir. He had opined that this was more an issue between the Tribe and the NOAA fisheries.

Orcutt said that in the past, there have been Solicitor's opinions on the scope of the Program and the TMC's role and this addressed the ability of the TMC to add members. Terri Simon-Jackson said she would like to see this written opinion. She said they need to ask the Solicitor whether they can add new members to the TMC.

Action item: Don Bader will ask the Solicitor if the TMC can add new members.

4. Federal Register Updates

Don Bader, TMC Vice-Chair, and Bureau of Reclamation provided a series of Reclamation updates and announcements.

TRRP Refinements Process Update

Bader noted that this issue had been talked about for three years. There had been a Regional Director's meeting and both Bureau of Reclamation and Fish and Wildlife decided they would go forward. Market research was done last summer and they had identified several consultants. An RFP was issued with a response deadline of April 3. Technical review will be done by the federal agencies; that with the pricing elements will be considered by contracting; an award will be made with a start of June 1. Regarding the TAMWG recommendation to cancel the process, Bader suggested that the Refinement process address the TAMWG's listed concerns. It was pointed out that the recommendations of the Refinement process will go to the Regional Directors for decisions to implement and not the TMC. Tom Stokely said the TAMWG did not understand this and said that was a big difference. Joe Polos said they may be able to hold a special meeting with TAMWG.

Letter from Reclamation to TMC regarding Lewiston Reservoir Study Next Steps

Bader reviewed the Lewiston Reservoir Study that considered several alternatives for addressing ways to reduce water warming that occurs in Lewiston Reservoir. Several recommendations came out of the study such as remove the dam or change the tunnels. The next step would require a Congressional authorization for a feasibility study and Bader said they are not at that level. Bader said it also wasn't clear what changes in temperature may be achieved with each alternative. He said he would like to pursue the modeling effort on this. Ultimately, this would not be a TMC decision but Reclamation planning level initiative.

Keith Groves recalled that he brought this idea up to the TMC and the pipeline around Lewiston was one of the best options in the County's opinion. He thought that maybe they don't need to make this a big project and include all other options.

Action item: Don Bader will present at the next TMC meeting the in-river temperature modeling results that compares Lewiston Dam in place, Lewiston Dam removed, and construction of a pipe to convey water from Trinity Reservoir past Lewiston Dam.

Trinity Reservoir Storage/CVP update

Bader said both Trinity and Shasta Reservoirs are very full. Last year, Shasta was held high for winter-run Chinook in the Sacramento River. There was cooler weather last year and there is now more cool water in Shasta. Trinity Reservoir also is now 88 % full and this is also good news. Regarding safety of dam releases, they are on track to having the greatest inflows to Shasta on record. The Bureau normally has to reserve some storage buffer for storm events. To achieve this, they have recently had the largest releases from Shasta on record. Trinity Reservoir has an objective storage goal of not more than 2347 feet elevation at the end of March. They are currently at 2350 feet elevations (March 27), and this is a bit high for safety of dam (SOD) issues. The upcoming weather is clear so they think they may not need to make increased releases for SOD. But releases would not likely be higher than 3600 cfs and these would be to the Trinity River. The Carr Tunnel has 1500 cfs currently. Keswick is releasing 10,000 cfs.

Keith Groves suggested they release safety of dam releases down river so these may also count for ROD releases. This would then allow them to keep more water back in Trinity Reservoir as a cold-water pool.

Bader gave an update on construction timelines for the Trinity electrical generation plant. He reviewed that the Trinity has two power plants at 80 megawatts at 1800 cfs. One of the power plants is being upgraded with plans to get back online by late April. They don't want to lose an

extra \$1million in generation that is available in late April and May. Bader doesn't know the exact date the generator will be ready but estimated April 28 plus or minus two days.

Information / Decision Items

5. Report from Executive Director

Caryn Hunt DeCarlo, Executive Director of TRRP, walked the TMC through her written report. She noted Jenny Norris and Mike Dixon would cover some elements later on.

Hunt DeCarlo touched on organizational updates by noting she started as the permanent Executive Director on January 9. Deanna Jackson has been promoted to Grants and Agreements Specialist; Kevin Held is the new Project Coordination Specialist. They have not been able to hire a civil engineer, this has been stalled by the federal hiring freeze. The hiring freeze has also stalled the hiring of a new secretary at the TRRP front office.

Jenny Norris gave an update on the Science Workplan process. She noted that they are moving toward implementing adaptive management and the IDT and Flow Workgroup used DSS modeling to assess the various flow options. She referenced the technical workgroup updates that were in the appendix of the Executive Director's Report and she went through these.

Tony LaBanca asked about the refinement of Science process and the choosing of projects. Norris described the ranking process and the design of the solicitation package. They are using a categorization of types of projects and are considering multi-year budgets such as long-term status monitoring. LaBanca was pleased to hear that the long-term monitoring would be budgeted longer than single years. Bruce Bingham noted that this is also important for synthesis efforts. Norris said they found that they need more time for external review of proposals. Not all projects would be reviewed every year if they are ongoing, but reviews haven't occurred for a number of years.

Hunt DeCarlo said the latest public meeting on the Deep Gulch/Sheridan Creek EA/IS was well attended by the public and was generally positive. Concerns that were brought up were plastic trash from tree protectors, impacts on roads, limiting public access, and construction noise. James Lee commented that deer browsing is intense and some type of protectors are needed that can also prevent the plastic trash. Hunt DeCarlo noted publications, and planned flow release announcements and news releases. James Lee, Eric Peterson, and Robert Stewart led informational presentations or outings.

Tom Stokely asked again that Jenny Norris send future Science Solicitation to the TAMWG and Norris acknowledged that.

Don Bader noted he had just received confirmation of a flow change will go up to 1800 cfs next week.

6. Open Forum: Comments from the Public

Jerry Payne commented that he owns 80 acres at Sheridan Creek. He had been negotiating with the TRRP about access across his land and had received promises of road upgrades or financial opportunities. Now he has just seen maps at the public meeting and they shifted these efforts to a neighbor and there will now be digging of his spring and draining his pond that he depends on for fire protection, without consulting him. This is a general way that TRRP does business and this generates hate. This is a sad thing for use of tax dollars. He claimed he will post no trespassing signs on his property.

Lunch

7. 2017 Flow Schedule Hydrograph, Flow Proposals, Gravel Recommendations

Andreas Krause, Coordinator for the Flow Workgroup gave a PowerPoint presentation on the 2017 flow releases for ROD purposes. He pointed out that restoration releases are about half of the total releases. He noted that it is highly probable the water year will be designated as an Extremely Wet year; and if not, it would be a Wet year. He showed a hydrograph for a Wet year and explained the various portions: an initial ramp-up for steelhead, peaks for geomorphic work, and ramp downs for temperature, frogs, outmigration, and riparian establishment. The emphases for this year were geomorphic peaks, riparian establishment, thermal diversity, and habitat monitoring.

Krause went over the recommended hydrograph for the Wet year. This included some daily variation in the increasing or rising limb, an earlier peak of 9,500 cfs about May 9, followed by drop to a bench with daily variation for 21 days to wet the riparian surfaces, followed by a slow ramp down for root growth, with flat benches for monitoring. Krause explained the daily variation in the rising limb is designed to delay frog reproduction and to get the geomorphic peak past earlier to avoid damage to frog egg masses. Krause noted construction starts about July 15 and they wanted to have flows low enough by then. He also noted this hydrograph was the TAMWG's recommendation.

Krause next showed the recommended hydrograph for an Extremely Wet year. This had a peak of 11,000 cfs at April 29 immediately followed by a ramp down to 2,000 cfs that would introduce variable temperature regimes up on floodplains. This drop in flow would be followed by an increase back to several days at 5,000 cfs flow, a ramp down to an 8-day bench with daily variation at about 4,000 cfs, and a slow ramp down to facilitate cottonwood root growth.

Krause noted that the TAMWG recommended that the hydrograph for the Extremely Wet year avoid the 2,000 cfs low-flow gap section. Tom Stokely explained that the TAMWG wanted to choose a hydrograph that delayed flows so that the peaks may have a better chance of not passing before the Trinity hydropower turbines are repaired and ready. Mike Orcutt asked that they get more discussion on the topic of what contributions hydropower makes to the Program so they can understand that before they make decisions about tradeoff for hydropower versus fish. Keith Groves asked how far down river the geomorphic releases have an effect. Mike Dixon and Dave Gaeuman thought about down to Canyon Creek where tributary contributions become more important.

Responding to questions, Krause explained that the “dip” following the peak was designed to increase temperature diversity and warm the water which may improve fish conditions. Most of the Chinook juveniles will have passed the North Fork by the time of releases, but there will still be coho and steelhead juveniles in the river. Dave Hillemeier commented that this is an important issue—that the floodplain work is “out of the reach” of the fall Chinook if they migrate downriver before the restoration releases occur.

Responding to questions about legal ability to change the hydrograph, Mike Orcutt said they really have experienced only one year of an Extremely Wet release, but this is adaptive management. Seth Naman said the ROD allows shifting time but not the volumes.

At this point of the presentation, Jenny Norris presented on the efforts to move the Program toward adaptive management process using models with the DSS. She called this the Adaptive Management Framework and noted it still is a work in progress. She listed four efforts of this process: reporting, monitoring, modeling, and DSS. For the flow recommendations for 2017,

they used DSS and a set of models. Norris noted that they are still testing the models and have not tested all the assumptions and she was cautious about presenting results yet.

Dave Hillemeier and Seth Naman pointed out that perhaps they were being too conservative about the models. They had hoped to see the results of DSS even if some of the models were not entirely worked out. Norris stressed that the RBM-10 for temperature is a basis of other models and this model is not yet ready and was thus the reason for hesitation in going forward.

Norris listed some of the precautionary measures they consider for the releases >8,500 cfs. They want to schedule the peak releases for weekdays in order to better have emergency responses available, institute real-time field monitoring, and have adequate public notifications.

Dave Gaeuman presented the 2017 gravel augmentation recommendations of 2800 cubic yards for a Wet year and 3500 cubic yards for an Extremely Wet year. He cited two ROD objectives that they had been working toward. The short-term objective of getting gravel at Lewiston has been met and the long-term objective of maintaining the gravel balance of the river is now the remaining objective. This second objective was driving this recommendation.

Gaeuman said that Douglas City is a good example of a reach where there is enough gravel to maintain bar morphology and it is used to guide gravel augmentation in up-river reaches. He noted their interest in choosing new injection points as the injected gravel may not move but they cause in-river gravel to move. Choosing new sites will spread this effect to other areas. He noted these recommended additions are much less than recommended by the ROD.

Tom Stokely said the TAMWG recommendation to keep augmentation to 2800 cubic yards was trying to err on the side of caution as a way to respond to complaints of too much gravel. Also Ed Duggan, a former fish guide, felt there was more gravel in the system.

Dave Hillemeier made a motion to accept the Gravel Workgroup recommendation of gravel injections of 3500 or 2800 cubic yards for an Extremely Wet or Wet year, respectively.

Keith Grove seconded the motion.

The motion passed unanimously.

The TMC next took up the motion for flow releases. Seth Naman asked if they would be able to monitor river temperatures to see the actual effects of the 7-day low flow period immediately following the peak. Tony LaBanca thought some of his staff may be able to help with this. Terri Simon-Jackson asked about the early ramp up effect on frogs. Krause said with an earlier peak flow that may delay the frogs and they did not think the low flow following the peak would give a false signal to frogs. Jenny Norris said they monitor for fish stranding as part of the compliance for the EIS. Kyle DeJuilio said that temporary stranding for fish in a hydrograph that is varying may actually be beneficial for fish. Tom Stokely said the TAMWG did not support the Extremely Wet hydrograph with the dip as it could be a problem of lost water for power production. Mike Orcutt asked if the Flow Workgroup reached a consensus on the recommended hydrograph. Krause said yes. Orcutt was leaning more toward the hydrograph that benefitted the biology. Robert Stewart clarified that the no-gap hydrograph benefitted power production only if the power plant came on line after April 27 and before May 8; otherwise the hydrograph with the gap was better. Bruce Bingham agreed with Keith Groves that some assumptions are slim and it may need an effectiveness monitoring design. Krause agreed and noted they are attempting to shift the flow scheduling toward that process. Terri Simon-Jackson

asked if this extremely wet water year was an opportunity that the Flow Workgroup did not want to miss. Kyle DeJulio said they are attempting to help the fish as much as they can and they will be doing some monitoring, however informal.

Seth Naman asked the TMC if they were ready to make a motion on the flow. The TMC discussed the option of shifting the hydrograph with the gap back a week and this may gain an additional \$0.5 million of power production (according to Keith Groves).

Mike Orcutt made a motion to accept the Technical Flow Workgroup and TAMWG recommendation for hydrograph for the Wet Water year.

Keith Groves seconded the motion.

The motion passed unanimously with one abstention.

Bruce Bingham abstained.

Bruce Bingham said he abstained because he hopes that next year they may have monitoring to support these hypotheses about the various flow options.

The TMC moved to constructing a motion for the hydrograph for an Extremely Wet water year. They discussed moving the gapped hydrograph one week later. Kyle DeJulio thought the effect of low flow on yellow legged frogs in April may promote egg-laying; but this year it is unlikely that pre-release river flows will be close to 300 cfs. Krause said the geomorphic effects are unchanged by the timing. He thought the cottonwood seed dispersal may be slightly affected but it should be small. Mike Dixon said the construction could accommodate the slightly higher water at the start of construction but there would be some additional costs. James Lee noted that pushing the hydrograph back one week may begin to have a reduced positive effect on the mid-flow bench as it may miss most of the cottonwood seed rain. Lee also commented that moving the hydrograph one week is worse for the frogs. Tony LaBanca said if the motion were to go forward, the CDFW is willing to help with monitoring the effects of the hydrograph.

Keith Grove made a motion the TMC accept flow option 1 for the Extremely Wet year and keep the start of the 500 cfs the same but move the rest of the hydrograph one week later.

Mike Orcutt seconded the motion.

Keith Groves withdrew his first motion and made a motion to accept the second option for flow.

This motion died for lack of a second.

Another motion was formulated and discussed.

Dave Hillemeier made a motion to go with the Flow Workgroup's recommendation for Extremely Wet year. The CDFW would volunteer work with Program partners to monitor the effects of the gap portion of the hydrograph. This hydrograph would be the most beneficial for fish.

Mike Orcutt seconded the motion.

The motion passed with six yes votes, one no, and one abstention.

Keith Groves voted no and Bruce Bingham abstained.

8. Restoration Project Planning

This item was postponed until Day 2.

Mike Dixon gave a PowerPoint on the ongoing projects and new projects being planned. He noted Bucktail v 3.0 planting is 70% complete and will continue. The Yurok Tribe is conducting the planting.

Deep Gulch and Sheridan Creek are being planned as a combined project. He does not anticipate any FEMA problems. The project is still receiving comments. They plan construction for July 2017 and some work may overlap into 2018. This is a large project that involves a mile of the river. He showed an aerial projection of the site with the planned construction elements including wetlands, forced meanders, floodplain lowering, a side channel, and wood features. The landownership is 2/3rds federal BLM and 1/3 private.

Dutch Creek project is being revised to address FEMA compliance and cultural resources. Dixon showed a plan view of the construction elements: split flow with a forced meander, a notch and log jam, and floodplain lowering. Dixon said there are historic mining areas they need to work around. They hope they may work on implementing this in 2018.

Chapman Ranch has a proposed design by the Hoopa Valley Tribe. They would create sinuosity and open up ponds. Dixon said this is an important part of the river but it has higher costs and these are being discussed. There are three landowners involved and they all need to be on board. This is likely a 2019 implementation project.

A workgroup recently considered areas where they could do "mass grading." These were those areas with large piles of mine tailings at least 5 feet above the river. The thought was these could be moved ahead of project implementation. Sky Ranch and Oregon Gulch were an example where much of the area is piled mine tailings.

Dixon also noted high-value, low-cost opportunities. Conner Creek could use 1.5 feet of floodplain lowering. Lorenz Gulch may benefit from 3-5 beaver dam analogs which have been shown to work well. The permitting would be relatively easy. These could be done if they have a couple of extra thousands of dollars in their construction budget.

Dixon listed four projects on the horizon: Upper Conner Reach, Sky Ranch, Oregon Gulch, and Evans Bar. These are in a high priority reach of the river. Current condition assessments of the areas will assess opportunities and landowner contacts are being made.

Terri Simon-Jackson said they will need to get together and discuss what may be done on NFS lands. Dixon said two projects would be Dutch Creek and Chapman Ranch. Soldier Creek is not a high priority at this time. Evans Bar will be done later in the series. Keith Groves said a land swap with BLM is being discussed at Sky Ranch.

The TMC next took up Item 11.

9. FEMA Designation of Trinity Floodway

This item was postponed to the end of Day 2.

Brandt Gutermuth gave a PowerPoint update on the FEMA designations of the new flood map. The National Flood Insurance Program provides insurance against flood losses. The program is administered by FEMA and Trinity County. New changes since 2016 introduced a new floodplain map and more stringent regulations requiring Conditional Letters of Map Revision

(CLOMARs) if the floodplain elevation will be changed by channel modifications. The CLOMAR is a six-month application process. Gutermuth said they also need to model the flood levels and submit these results as a LOMAR. Gutermuth explained that they are now attempting to get the LOMARs together for the various projects.

10. Public Forum

No comments.

Adjourn Day 1; 5:10 pm

Day 2, Tuesday March 28, 2017, 9:00 am

Seth Naman, Chair called the meeting to order and reviewed the remaining agenda for Day 2 and items 8 and 9 from Day 1. He noted they would take up the remaining items from Day 1 and that they would hear from George Kautsky on the past year's fish runs.

At this point, the TMC took up Item 8.

Regular Business

11. Open Forum: Comments from the Public

This item was addressed following Item 8. Jerry Payne, a local landowner near Sheridan Creek, asked for contact info of the NOAA attendees and their superiors. He noted the bylaws require quarterly meetings and none was held in December. He noted the TAMWG may be giving up and that their voices are not being heard. He suggested the Seth Naman should consider resigning his position since he did not like his job. Naman responded that perhaps Mr. Payne misunderstood his comments and reiterated his satisfaction with his work on the Trinity River. Mr. Payne continued his commentary that he has not received the maps he has requested. Brandt Gutermuth clarified what maps Payne was interested in and he delivered them at that time.

Mr. Payne continued that the Program is spending tens of thousands of dollars on a specific well and that is admission of damage to a well. Therefore, the Program should do the same for all wells. He noted that the Program has disregarded Dave Wellock's complaints. Paine commented on the planned work at Sheridan Creek and asked that this work be done properly. He cited the Davis Bacon Act requirements that the government pay prevailing wages. He read a letter where he was requesting certified payrolls for the Bucktail Project and any future payrolls. He has cc'ed this letter forward to other agencies. He requested projects be bid according to public bidding rules according to standard practices so that local qualified contractors should be able to successfully bid on these projects. He cited a letter to the Foundation for Contracting that they have an observer on the projects to insure fair practices are followed on future projects. He delivered copies of these letters to Seth Naman

Seth Naman acknowledged Mr. Payne's dissatisfaction with the Program and thanked him for the comments and letters.

Information / Decision Items

12. Riparian Revegetation and Monitoring Plan

James Lee gave a PowerPoint presentation as an update on the status of the Riparian Revegetation and Monitoring Plan (RRMP). He reviewed that TRRP made a commitment to implement the RRMP through the state's EIR process. Versions of the RRMP have been drafted

over the years and detailed comments have been received. The overarching comments were that mitigation should be based on ecological function. Lee noted that it is challenging to develop measures to determine compliance. A major part of the problem is that the definition of riparian habitat has changed. It was originally defined as a vegetation-based definition. A more recently proposed, more scientific definition is more hydrologically and process based. Bruce Bingham noted that the original definition had combined wetlands and riparian together and this was a mistake. He noted that wetland definitions include multiple types and he expressed concerns that these were being included as a single pool.

One issue is they must have a way to measure or demonstrate they are in compliance with their permits of no net loss of riparian, so they are using the vegetation-based definition for now. But there is a desire to utilize the more recent science based definition. The TMC discussed some details of who would sign the signature page of the RRMP. Terri Simon-Jackson said the Forest Service could not sign this document if it wasn't following federal rules for decision documents (e.g., ROD, DN, DM, EIS, EA, and CE) but that they could incorporate it by reference in an EA or EIS. She said it would be more difficult if the language of the original 2000 ROD EIS is not used. She asked that at least there would be some sort of "cross-walk" on the definitions that ties the different documents together. Mike Orcutt noted the Hoopa Valley Tribe was signatory to the ROD and he thought collaboration is the first step but he cautioned that there are other authorities that may be involved and that may require further discussions.

Lee said it would have huge effects on the plan depending on the definition. He said the response from the State is still coming. He would like to have a policy discussion in the next 5-6 weeks. A final draft would be produced and a signed version would be in place by the FY2019 Science Work planning Cycle (December, 2017 TMC meeting).

Seth Naman said he saw the value of using the new definition he noted the importance of the definitions as determination of the amount of planting to be in compliance and that has an impact on the costs for the Program. Lee was asking for direction on whether he should proceed on this process. He said it would help if the TMC did want to weigh in on these definitions over the next six months. Seth Naman offered to draft a letter to circulate to the TMC to provide support for adopting the new definition. LaBanca said the State doesn't need support for the definition. Bingham and LaBanca said the bigger issue will be the choices for monitoring such as indicator species and thresholds. No motion was passed as it seemed there was general consensus that supported Lee's work. Orcutt mentioned the desire to streamline regulatory process: we need to know we are complying and moving forward. Lee said he felt the Program is in compliance but it is difficult to show it. LaBanca said he will continue to work with Lee to streamline the process.

FY2017 and FY2018 Budgets

Caryn Hunt DeCarlo and Linsey Walker gave an update on the FY2017 and FY2018 budgets and passed out two handouts detailing the budgets. Hunt DeCarlo first noted some adjustments to the FY2017 budget. There were both increases (USFWS, Program Administration) and decreases (birds, NCAO personnel, Willows Inspection Services) that were mostly off-setting for FY2017. There is now a surplus of \$200,703 for FY2017 and this would go toward watersheds per a previous TMC motion. However, she noted they are still operating under a Continuing Resolution and things could change. Seth Naman asked about the increase funds to watersheds. Hunt DeCarlo said this could go into the Watershed FOA. Naman noted the extra funds going to watersheds were also based on a TAMWG recommendation.

Huntt DeCarlo noted that an independent review by Conor Shea of the Deep Gulch /Sheridan Creek design was judged to have no non-essential elements. The Yurok Tribe has offered to provide an additional \$400k to assist with the construction budget cost.

Huntt DeCarlo next summarized the FY2018 was projected to be \$14.98 million depending on the President's FY2018 budget which has not been released. A more finalized budget will be available by the end of April. She noted the house in Junction City which is in the flood zone of the fisheries flow and is still available for sale. She was asked if the TMC was interested in pursuing this.

Linsey Walker next presented the line item details on the anticipated FY2018 budget. Huntt DeCarlo noted a change in format this year in that they had shifted salaries from Implementation and Science into Program Administration resulting in an increase in the percentage for Administration. Terri Simon-Jackson suggested that salaries be categorized separately to help keep Administration accounting within the standard or expected 10 to 20 % levels for these types of programs.

Walker presented the details of the Implementation budget and the Science budget. George Kautsky noted that the column for 2018 science projects was blank, unlike the administrative and implementation aspects of the proposed 2018 budget. He asked if there were more budget details on the Science projects. Jenny Norris said the end of May they would have the selected projects and would be able to project those costs. As the TMC would approve the FY2018 at the June meeting, Huntt DeCarlo said they could have a more final budget for Administration and Implementation in a couple of weeks and by the end of May they would have the ranked Science projects and would be able to list those.

George Kautsky expressed concern that the TMC would be presented with finalized recommended budgets for Administration and Implementation portions and this would result in less flexibility in making decisions about the Science portion. Dave Hillemeier said the house at Junction City is a high priority but may be difficult to include in the FY2017 budget. He suggested they seek outside sources so as to be ready to pursue a purchase. Keith Groves suggested the Yurok Tribe purchase the property and donate it to the Program instead of their \$400k donation. Dale Davy suggested they contact the Nature Conservancy as a possible intermediate purchaser. BLM would be a potential ultimate property owner. Huntt DeCarlo summarized that the options were whether to start the environmental planning for the house now using FY2017 funds that are currently programmed for watershed, or TMC could look for FY2018 funds, or they could look for another source of funds or find another purchaser. Mike Dixon said the estimate for compliance and realty fees would be about \$150k.

Mike Orcutt asked about the funding for watersheds. He cited uncertainty about watersheds and when people start talking watersheds they include the South Fork. He wanted to know if there was now a standing resolution about funding going to watersheds. Huntt DeCarlo said the surplus going to watersheds was based on a motion approved by TMC for FY2017 but no decisions have been finalized by TMC yet for FY2018. Orcutt said they have gotten mixed signals on work in tributaries, but some could be areas for increased funding if they addressed listed species or key watersheds. Tom Stokely noted that the funding on watersheds is the only area where TMC has gone beyond staff recommendations to follow a TAMWG recommendation. He said he could contact the Trust for Public Lands about the purchase of the house. Keith Groves said the public may not view the purchase of the house by the TMC favorably. Dave Hillemeier suggested they form a subgroup to look into these issues for outside funding. Mike Orcutt agreed. Terri Simon-Jackson was supportive of pursuing the acquisition, looking to the future of the river.

Action item: Dave Hillemeier, Tony LaBanca, Tom Stokely, and Mike Orcutt will form a sub-committee to investigate third party sources to purchase the house at Junction City.

13. Open Forum, Comments from the Public

Jerry Payne said he would like to repeat what he said yesterday about the danger of combining the Sheridan Creek with Deep Gulch as one project. The project in Sheridan Creek would work on the left side in 2017 and revegetate the right side in 2018. He expressed his concern of splitting the project into two funding years. He suggested they use the 2017 funds that are more certain to complete the entire project. He said they are taking a big risk by combining the two projects. Tony LaBanca asked if they could complete the project with FY2017 funds, and Mike Dixon said absolutely not. Terri Simon-Jackson asked if they could spend FY2018 dollars in October while the equipment is still there. Hunt DeCarlo said no. Dave Hillemeier noted that completing the project while equipment is there without the need to remobilize is a good idea and that is something they should consider.

Justin Ly commented that as his supervisor Seth is a great employee and is very passionate about the river. He also noted that the actions of the TMC should not be placed on a single individual.

Lunch

14. Bylaws

Changes to Bylaws

Seth Naman introduced this item. The TAMWG had recommended in September that the TMC make a series of seven changes to the TMC bylaws regarding voting procedures. These changes addressed change from super-majority to simple majority, recusals from voting, enlarging the number of voting members, and adding the TAMWG Chair as a voting member. Naman passed out the current version of the bylaws. He suggested they go over the track changes item by item.

Unanimous Planning

Page 2 addressed unanimous vote to add new members. Bruce Bingham had noted that unanimous was not defined and he suggested they strike unanimous and use the definition of Section 603. Naman described his understanding that the TMC had used unanimous vote for adding new members and that was 8 of 8 votes. Bingham also said he had looked at the foundation documents and did not see there was any authority to add new members. There was general consensus that TMC could decide to add new members. One issue is whether TAMWG would be added as a voting member. However, adding TAMWG as a voting member would involve FACA as TAMWG is a FACA-chartered organization. Naman said the issue before them was the unanimous vote. He opined they should leave it as is (e.g., needing unanimous vote for new members) as that was a higher standard than other votes. Bingham noted 7 of 8 votes for affirmative votes was already a high standard. No change was made and the TMC moved on to the next item.

Succession Planning

Naman said the succession process of leaving officers and the election of new officers was mostly clear, but he wanted to memorialize it better. Keith Groves pointed out the need to clarify that officers need to be federal employees. Mike Orcutt asked whether or not, under Section 601, the TMC can have executive discussions closed to the public. Naman recollected that the

TAMWG and Trinity County were opposed to closed sessions. Orcutt thought that all boards generally have the latitude for closed sessions. Naman noted the ramifications of public perception would be a problem.

Teleconference Voting

Naman next moved to the voting by email or teleconference. He noted that he had deleted voting by mail. He also noted this year when the roads were closed, remote voting would have been useful. Keith Groves had previously commented voting by telephone should be open to the public. Naman said voting by phone would require notification of TAMWG and public. Mike Orcutt asked if a TMC member could call into an in-person meeting to vote by phone. There was consensus that attendance and voting by telephone was acceptable. It was suggested that teleconference meetings with votes by phone be re-voted at the next quarterly meeting. This would make the decision available to the public and would be recorded in the minutes.

Approval of Bylaws

Keith Groves asked Don Bader if they could ask the Solicitor again if the TMC can add new members. Bader thought the answer was yes, but agreed to follow up once more with the Solicitor. Naman asked if Bingham would feel comfortable signing the bylaws with these changes but no change for unanimous voting of new members. Bingham said no, not until he received more guidance on the rationale for unanimous vote on membership but not for other decisions. He said it may be better to wait until the refinements process was completed. He asked to at least see the next version before he decides.

Signature of Bylaws

Naman suggested they sign now and they can always take up new changes to the bylaws based on review by refinements and decision by the Department of Interior. Terri Simon-Jackson asked once the bylaws are edited with these new changes, that she have the Forest Service counsel review it before she signs it. Tom Stokely clarified the TMC will allow public attendance of teleconference meetings having a vote, there will no longer be email or mail voting, and if they are adopting simple majority. Naman said yes to the first two, but the simple majority was not considered. Stokely asked about recusals of a TMC member voting with conflicts of interest. Bingham pointed out recusals are already in the bylaws. But in order to have recusals on the budget would require voting on individual line items. Otherwise since they vote on the budget as a whole, the TMC would not have a quorum to vote on the budget as everyone would have to abstain. Adding new members was still under consideration. Naman opened to have the Vice-Chair that upon moving into the Chair position, appoint a new Vice-chair to serve until the next scheduled election. Naman said there is value in signing the bylaws to get the agreed upon changes in place.

Action item: Seth Naman will send out the edited version of the bylaws prior to the next teleconference call.

Before moving to the next agenda item, there was discussion of the need for a facilitator at TMC quarterly meetings. Several ideas for an outside facilitator versus an internal facilitator were raised. An outside facilitator would be unbiased; an internal facilitator would understand the Program better. Dave Hillemeier said he is not in favor of an outside facilitator deciding on whether or not he has a conflict of interest. Terri Simon-Jackson said that is not the role of a facilitator. Bruce Bingham said the issue of conflict of interest has come up multiple times and that would be an issue.

15. Officer Elections

Seth Naman noted the elections should have occurred in December, but as there was no meeting, they were taking it up today. The next election would occur at the normal December meeting.

Nominations for Chair were from among members representing the federal agencies: Bruce Bingham from Fish and Wildlife, Justin Ly from NOAA Fisheries, Don Bader from Reclamation, Terri Simon-Jackson. Ly noted would serve but he had less experience with the TMC and would rather not serve in the Chair position. Simon-Jackson withdrew her name from consideration as Chair or Vice-Chair. Votes were taken by written ballots separately for Chair and for Vice-Chair.

Don Bader was elected as Chair by written ballot.

Bruce Bingham was elected Vice-Chair by written ballot

16. Review 2017 TMC Meeting and Teleconference Schedule

Seth Naman went over the dates for upcoming teleconference calls and quarterly meetings in 2017.

17. Open Forum

Jerry Payne thanked the TMC for allowing his public comments and allowing him to listen in on the discussions. He said he now felt better by expressing himself.

Tom Stokely said he thought the flow discussion could have been shortened if there had been a better update on power use and he asked that they consider the neighbors in addition to fish in these discussions. Don Bader said the Bureau has a lot of information that goes into the flow decision and he would like more time to present the background. There was general agreement on this and Dave Hillemeier thought that next year, the DSS may make it easier to consider alternatives and the effects.

Dave Hillemeier expressed his hopes that they may start to get more outputs from the triple S fish model. Jenny Norris said they should have more on this in the next month. One problem they are currently addressing is the other linked models such as temperature.

The TMC next addressed Item 9 before adjourning.

18. Action Items

See the front pages.

Adjourned 3:14pm (Agenda was fast-tracked to allow folks to get on the road to the coast and through the Hwy 299 slide repair site)

TRINITY MANAGEMENT COUNCIL

Trinity River Restoration Program Office

Hwy 299, Weaverville, CA

Agenda for March 27-28, 2017**Monday, March 27, 2017**

Time	Topic, Purpose and/or Decision to be Made	Discussion Leader
<i>Regular Business:</i>		
9:30	Introductions: Welcome Approval of Agenda Approval of September minutes	Seth Naman, Chair
10:00	Open Forum: Comments from the public	Seth Naman
10:15	Report from TAMWG	Tom Stokely
10:45	Federal/Regional Updates TRRP refinements process update Letter from Reclamation to TMC RE: Lewiston Reservoir study-next steps Trinity Reservoir storage/CVP update Other	Don Bader, Vice Chair
11:00	Break	All
<i>Information / Decision Items:</i>		
11:15	Executive Director TRRP Report	Caryn Hunt DeCarlo
12:00	Open Forum: Comments from the public	Seth Naman
12:15	Lunch	All
1:30 -3:00	2017 Flow Schedule Hydrograph Flow proposals Gravel Recommendation	Andreas Krause/Dave Gaeuman/Jenny Norris
3:00	Break	All
3:45	Restoration Project Planning	Mike Dixon
4:15	FEMA designation of Trinity Floodway	Brandt Gutermuth
4:45	Public forum	Seth Naman
5:00	Adjourn	
6:30	Group Dinner-La Grange, Indian Creek Lodge, or Golf Course-TBD	

Tuesday, March 28, 2017*Regular Business:*

9:30	Open Forum: Comments from the public	Seth Naman
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Information / Decision Items:

9:45	Riparian Revegetation and Monitoring Plan	James Lee/Mike Dixon
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10:30	Break	All
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10:45	2018 Draft Budget	Linsey Walker/Caryn Hunt DeCarlo
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11:45	Open Forum: Comments from the public	Seth Naman
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12:00	Lunch	All
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1:15	Bylaws Changes to bylaws Teleconference voting Succession planning Unanimous voting Approval of bylaws Signature of bylaws	Seth Naman
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2:30	Officer Elections	All
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3:00	Review 2017 TMC meeting and Teleconference schedule	Seth Naman
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3:15	Public forum	Seth Naman
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3:30	Action items	Seth Naman
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3:45	Adjourn	
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