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

July 27, 2017, 9:00 am

Attending Members

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

[1] George Kautsky sat in during Item 1. [2] Non-voting member.

Others that attended: Kyle De Juilio (Yurok Tribe); Jennifer Norris (TRRP); George Kautsky, Andreas Krause (Hoopa Valley Tribe); Bill Brock (USFS), Jerry Payne, Jack Nordlund (local residents); Seth Lawrence (DWR); Linsey Walker, Elizabeth Hadley (Bureau of Reclamation); Joe Polos, Nick Hetrick (Fish and Wildlife Service).

Attending by phone: Chad Smith (Headwaters Corporation).

Notes: Kim Mattson (ENW).

List of Motions that Passed

Keith Groves made a motion to approve the agenda.

Justin Ly seconded the motion.

The motion passed unanimously.

George Kautsky made a motion to delay approval of the June meeting minutes until the Chairman has received guidance from legal counsel regarding the motion to approve watersheds passed.

Keith Groves seconded the motion.

The motion failed with 7 no votes and one abstention.

The George Kautsky abstained.

Justin Ly made a motion to approve the science synthesis reporting at $581,460.34.

The motion failed for lack of a second.

Tony LaBanca made a motion to approve the first blue Bridge budget for a total of $7.08 million. The redd monitoring (TRRP-2018-014) would be funded for one year and the stream gaging (TRRP-2018-036) funded for two years.

Dave Hillemeier seconded the motion.

The motion failed with two yes votes and six no votes.

Voting no was Terri Simon-Jackson, Mike Orcutt, Bruce Bingham, Keith Groves, Justin Ly, and Don Bader.

Mike Orcutt made a motion to approve the Bridge 1 Budget that totals $7.08 million but use one-year funding for projects TRRP-2018-014 and TRRP-2018-012 creating a larger surplus.

Tony LaBanca seconded the motion.

The motion failed with four yes votes and four no votes.

Voting no were Terri Simon-Jackon, Bruce Bingham, Justin Ly, and Don Bader.

Terri Simon-Jackson made a substitute motion to approve the Adaptive Management Science Budget (green sheet Adaptive Management with Adjustments, column 2 totaling $6.74 million) except for the project coded wire tagging (project TRRP-2018-034) and look for alternative funding outside of TRRP for hatchery/harvest evaluations.

Keith Groves seconded the motion.

The motion failed with four yes votes and 4 no votes.

Voting no were Don Bader, Tony LaBanca, Dave Hillemeier, and Mike Orcutt.

Bruce Bingham made a motion to accept the AM with Adjustments Budget (totaling $5.95 million) that includes the two years funding but fund only one year of the redd monitoring (TRRP-2018-014) and remove the coded wire tagging (TRRP-2018-034) and take the surplus to fund the status and trends hatchery/harvest (which includes coded wire tagging) as presented on the Status Quo.

Keith Groves seconded the motion.

The motion failed with six yes votes and two no votes.

Voting no were Terri Simon-Jackson and Mike Orcutt.

Tony LaBanca made a motion to fund Watershed final rankings based on the $750K table and remove the Barker Valley project and provide the approximately remaining $217K for Forest Service roads to meet the $739K that is in the approved budget.

Justin Ly seconded the motion.

The motion passed with 5 yes votes, one no vote, and two abstentions.

Voting no was Mike Orcutt.

Abstaining were Terri Simon-Jackson and Dave Hillemeier.

Justin Ly made a motion to approve the science synthesis reporting at $581,460.34.

Terri Simon-Jackson seconded the motion.

The motion failed with 6 yes votes and 2 no votes.

Voting no were Tony LaBanca and Mike Orcutt.

Keith Groves made a motion to accept the June meeting minutes as revised by George Kautsky's edits.

Bruce Bingham seconded the motion.

The motion passed unanimously.

List of Action Items made during the Meeting

None.

Regular Business

1. Introductions

Don Bader, Trinity Management Council (TMC) Chair, opened the meeting and reviewed the agenda.

Keith Groves made a motion to approve the agenda.

Justin Ly seconded the motion.

The motion passed unanimously.

Bader next asked for discussion of the June minutes. George Kautsky raised his concern over the watershed budget vote at the June meeting where there were five yes votes and two recusals. He noted recusals were not the same as abstentions and the bylaws did not address recusals. He pointed out that recusals could be the same as absences and therefore the vote required six yes votes. Bader agreed that they could not approve the minutes until they resolved the difference between recusals and absences. Bader said he would try to get an opinion from legal counsel. Kautsky then put forth a motion to delay approval of the minutes. Huntt DeCarlo stated that Reclamation was moving forward on the agreements as passed in June and that waiting until September would cause a loss of the watershed funding. Dave Hillemeier expressed his concern over losing the watershed funding. There was more discussion about how to still vote on the motion for watershed funding at this meeting. It was suggested that the two recusals could instead abstain if they wished. During discussion of the motion, it was questioned whether or not the Forest Service and the Yurok Tribe actually recused or simply decided not to vote. Several TMC members expressed interest in voting again today. Mike Orcutt noted the bylaws are not well defined. Bader clarified that the TMC could still take up the watershed vote today and the two TMC members could vote or abstain and not have to recuse.

George Kautsky made a motion to delay approval of the June meeting minutes until the Chairman has received guidance from legal counsel regarding the motion to approve watersheds passed.

Keith Groves seconded the motion.

The motion failed with 7 no votes and one abstention.

The George Kautsky abstained.

George Kautsky provided a set of edits to the June minutes from the Hoopa Valley Tribe. Terri Simon-Jackson opined that this delay to editing the minutes is unreasonable and she expressed her desire that all TMC members provide their edits to the minutes in a timely manner. Caryn Huntt DeCarlo suggested they take up these edits following the discussion on Science budget if time allowed.

At this point, Don Bader returned to his introductions and asked the members and attendees to introduce themselves.

Chad Smith of Headwaters Corporation gave a brief introduction over the phone on his plans for the Program Refinements Review. He described some of his plans for interviews and getting information. He and an assistant were planning to attend the September TMC meeting and would be visiting members in the basin over a two-week period from September 18 to 29. Bruce Bingham asked for definitive schedule as members will want to schedule time for meetings. Smith offered to meet during weekends and evenings as needed or to hold phone interviews. He reviewed the list of the members of the Coordinating Committee: Caryn Huntt DeCarlo, Mike Orcutt, Dave Hillemeier, Tom Stokely, Seth Naman, Terri Simon-Jackson, Bruce Bingham, and Teresa Connor. Mike Orcutt requested a local coordinator and Huntt DeCarlo stated she could be that person. Chad said he would be sending out a draft next week on the goals and objectives of the TRRP.

At this point Bader brought up his handout on Robert's Rules of Order and noted a set of clarifications on motions and methods of voting. He noted that they can have the motions projected up on the overhead screen to help clarify the wording of the motion being considered. Dave Hillemeier noted a discrepancy in the friendly amendments. Bader agreed to change the friendly amendment to allow only those who make the motion or second it to accept or reject a friendly amendment. Mike Orcutt clarified that these are guidelines and they still need to refer to the bylaws for specifics. Bader said he would edit the Robert's Rules of Order that he had handed out.

2. Public Forum and Comments from the Public

Jerry Payne asked that TMC meetings be held in Weaverville in order to help the perceptions of transparency. Jack Nordlund asked why they hold meetings outside of Weaverville.

Dave Hillemeier noted that the Yurok Tribe who is closely affected has a better opportunity to attend the meetings in Weitchpec. Mike Orcutt and Bruce Bingham also noted the benefit of holding meetings on the coast for public to attend that has a high interest in the Program.

3. TRRP Science Budget and Other Budget Revisions

The science portion of the TRRP annual budget for FY2018 had not been passed at the June meeting. This meeting today was essentially to pass the Science budget. Before taking that up, Caryn Huntt DeCarlo gave a quick update on the field work at Sheridan Creek Deep Gulch. She noted that the TMC has held public meetings and two well-attended public floats. The Program is currently undergoing a website conversion.

Huntt DeCarlo then moved to the Science budget discussion. She noted the Federal budget has not been approved and there is still the possibility that the funding to the Program could be cut. She recapped the Science Work Plan Process and the effort to identify science projects that best meets the adaptive management goals of the Program. She noted that consensus on which projects are all or partially Adaptive Management isn't likely, but that a concerted effort for the process was to identify Adaptive Management projects. She discussed that Adaptive Management is directed in the ROD. She noted the goal is to achieve the most successful restoration results that inform Adaptive Management. She noted the briefing package Jenny sent out and that the recommendation is the Adaptive Management budget proposal and that other options would be presented. She introduced the concept of multi-year funding. They had extra funding from Sheridan Deep Gulch and this was shifted to Science. And with this extra funding for Science, they were able to allocate funds to years beyond 2018 (e.g., out-years). She said they could do five-year grant agreements with the County and State other two- or three-year projects. Multi-year funding for the Tribes could be initial year in an AFA and out years accomplished via grants.

There was an extended discussion on multi-year funding. Mike Orcutt noted this is the first year of the Federal administration, this represents a major policy shift, and they don't know the appropriations for 2018. They may need to have some latitude in their planning. Don Bader said if there were cuts, the TMC would need to reconvene as a group to address the cuts. Tony LaBanca asked whether they may want to consider using extra implementation funds to fund out-year implementation projects. Huntt DeCarlo said no, as they would have to have a project identified with specific plans prepared, and since they don't that would mean they would lose the extra funding if they had nothing to obligate it to. LaBanca noted that is the reason to have future designs ready on the shelf in the case of extra implementation funding becoming available. Huntt DeCarlo said the complexities and timing of the environmental compliance and the need to have working relationships with other agencies related to workload and schedules and to work closely with the public don't allow for having a project ready to go . Bader commented that he doesn't expect funding to increase and it wouldn't make sense to try to get too far out in design. Bruce Bingham said they need to make efforts to move toward adaptive management in both Science and Implementation. He noted the importance of effectiveness monitoring. Dave Hillemeier thought the Program needs to look for outside funding. The purpose of the Program is to restore the fisheries with in-river restoration and he does not want to see de-emphasizing the restoration. Terri Simon-Jackson noted the need to tell the story of the Program to help the public understand the Program. Mike Orcutt noted the Tribe's commitment to maintaining funding through efforts at the Federal level. Federal agencies would be funded by interagency agreements. Huntt DeCarlo noted it's important to have TMC discuss their position on Adaptive Management to help inform the decisions and direction for the Science Program.

Jennifer Norris next started the formal discussion of the Science budget by giving a set of brief comments via a PowerPoint presentation titled TRRP FY 20: Science Budget. She noted that science-based adaptive management is required by the Record of Decision (ROD) and this has been missing in the Program. They are now moving toward synthesis reports that would guide management actions and TMC decisions. She asked that the TMC make a decision today on what the direction the Program should take for science-based, adaptive management.

Norris noted that the other part of today's discussion would be on budget planning. She noted the advantages of multi-year planning. She also noted the efforts being spent on strategic work planning and that she was also seeking guidance from the TMC about pursuing a framework for adaptive management.

Hillemeier and Bingham both noted the Program may not need to review science projects every year. Norris agreed. Orcutt noted that some of the terms such as adaptive management not clear and noted that smolt trap work may not be adaptive management but is critical to the fish populations. Norris said adaptive management may include status and trend monitoring or it may be effectiveness monitoring to assess how well specific projects worked. In an adaptive management framework, science projects assess whether or not specific management actions (e.g., flow regimes, channel rehabilitation, gravel augmentation) are accomplishing desired objectives (e.g., increasing juvenile fish habitat). This process provides science-based justification for modifying management actions and/or decisions.
She noted there are science projects that are not listed on the adaptive management list, but these serve important purposes.

Norris passed out two budget sheets that represented two different approaches to the Science Budget. The first sheet had a pink title labeled Status Quo and the second sheet had a green title labeled Adaptive Management with Adjustments. The pink budget showed funding for Science for years 2016-2019 as done in years past. The green budgets showed annual budgets for 2016-2018, with shifts for adaptive management. There were four columns showing four scenarios with different amounts of out-year funding. These columns represented allocating funds for one, two or three years out and a Science Program without coded wire tags being funded.

LaBanca noted the State's support of synthesis reports. He noted that Program staff could do much of these with minimal consulting support. He asked if the budgeted amounts were double counting. Norris assured him that State funding is not double counted.

This stimulated discussion about the importance of synthesis reporting, the need to evaluate monitoring projects every year, what constitutes adaptive management, that cohort reconstruction should be included in adaptive management, and whether harvest or hatchery projects are serving the goals of the Program.

Joe Polos commented that cohort reconstruction is important as serving a broader fish assessment basis and was an important way to evaluate restoring fisheries within the River. Hillemeier noted a long-term data set is essential to cohort reconstruction. Orcutt thought the issue is not whether or not projects are adaptive management, but it is important to not lose track of the legislation, and the B23 Trust Responsibility. He said the Hoopa Valley Tribe is not interested in watching videos of rocks rolling down the stream but are interested in harvesting fish. Simon-Jackson asked about the timeline for synthesis reports. She wanted it noted in the minutes when these reports would be done and that these projects would not be ongoing for years. Norris said the budgeted amounts are to get the reports written, but there could be additional time needed outside of FY18 and for external reviews that would not be finalized by 2018.

Norris next passed out two Science Budget sheets with a blue title of "Bridge." These budgets showed a combination of the budgets Status Quo and AM and the cost reductions of various options.

Hillemeier said he was not in support of funding carcass surveys for more than one year, until the issue related to funding cohort reconstruction activities was resolved, as the SAB noted this is redundant. Orcutt noted that multi-year projects are new and perhaps that should be put up for a vote as a decision on that would narrow the discussion. Bader thought they may not need a vote on multi-year but instead to vote on specific budgets that are multi-year. Bingham said he was ready to vote on the budgets presented, and he noted the level of discussion the TMC spends on science is extremely tiring. Norris said to not only think about out-year funding but also the strategic planning process especially for recurring projects to allow for work load efficiencies.

LaBanca clarified that Bingham suggested they vote on budgets and State is supportive of out-year funding, but the State may not be ready to fund three-year projects but somehow guarantee funding for out-years. George Kautsky agreed with LaBanca and suggested they do three-year projections for all projects. Bingham said that would help to establish a baseline of science funding.

At this point, the TMC was ready to start making motions about which budget to accept.

Justin Ly made a motion to approve the science synthesis reporting at $581,460.34.

The motion failed for lack of a second.

LaBanca next made a motion to accept the blue Bridge budget. Orcutt noted his opposition to the motion for lack of clarity and uncertain in funding two projects. Hillemeier shared some of these concerns and the funding of redd monitoring for two years. He offered a friendly amendment to fund redds for one year and stream gaging for two years and LaBanca accepted it. This would potentially add $30K to the total surplus.

Tony LaBanca made a motion to approve the first blue Bridge budget for a total of $7.08 million. The redd monitoring (TRRP-2018-014) would be funded for one year and the stream gaging (TRRP-2018-036) funded for two years.

Dave Hillemeier seconded the motion.

The motion failed with two yes votes and six no votes.

Voting no was Terri Simon-Jackson, Mike Orcutt, Bruce Bingham, Keith Groves, Justin Ly, and Don Bader.

Orcutt next made a motion for a budget that would create a larger surplus. It was clarified that the surplus would be addressed at the September meeting. Justin Ly questioned if the harvest and hatchery projects supported Program goals. Both Tribes provided explained the rationale for these projects. Bingham suggested they vote on hatchery and harvest separately.

Mike Orcutt made a motion to approve the Bridge 1 Budget that totals $7.08 million but use one-year funding for projects TRRP-2018-014 and TRRP-2018-012 creating a larger surplus.

Tony LaBanca seconded the motion.

The motion failed with four yes votes and four no votes.

Voting no were Terri Simon-Jackon, Bruce Bingham, Justin Ly, and Don Bader.

Before voting on this motion, Simon-Jackson made a substitute motion. Her rationale was that the Science Coordinator did exactly what the TMC requested and proposed an adaptive management budget and she wanted the TMC to address that. Orcutt spoke in opposition to her motion. According to the Robert's Rules of Order, this substitute motion was addressed first, and if it did not pass, the previous motion would be addressed.

Terri Simon-Jackson made a substitute motion to approve the Adaptive Management Science Budget (green sheet Adaptive Management with Adjustments, column 2 totaling $6.74 million) except for the project coded wire tagging (project TRRP-2018-034) and look for alternative funding outside of TRRP for hatchery/harvest evaluations.

Keith Groves seconded the motion.

The motion failed with four yes votes and 4 no votes.

Voting no were Don Bader, Tony LaBanca, Dave Hillemeier, and Mike Orcutt.

Bingham next made his motion for the budget. Bingham accepted a friendly amendment by Ly to fund only one year of the redd monitoring because of redundancies with the Run-Size Estimate. Orcutt made a second friendly amendment that the outmigrant monitoring be funded for one year. Bingham rejected this amendment.

Bruce Bingham made a motion to accept the AM with Adjustments Budget (totaling $5.95 million) that includes the two years funding but fund only one year of the redd monitoring (TRRP-2018-014) and remove the coded wire tagging (TRRP-2018-034) and take the surplus to fund the status and trends hatchery/harvest (which includes coded wire tagging) as presented on the Status Quo.

Keith Groves seconded the motion.

The motion failed with six yes votes and two no votes.

Voting no were Terri Simon-Jackson and Mike Orcutt.

Seeing the failure to pass a budget, Don Bader said the science budget could be still addressed at the September meeting. He next moved on to the vote about the watershed budget with abstentions. He re-read the bylaws on abstentions. He opined that two abstentions would allow a passing of a motion with five yes votes. LaBanca made the same motion he made in June.

Tony LaBanca made a motion to fund Watershed final rankings based on the $750K table and remove the Barker Valley project and provide the approximately remaining $217K for Forest Service roads to meet the $739K that is in the approved budget.

Justin Ly seconded the motion.

The motion passed with 5 yes votes, one no vote, and two abstentions.

Voting no was Mike Orcutt.

Abstaining were Terri Simon-Jackson and Dave Hillemeier.

As the meeting was drawing to a close, several TMC members had comments about today's meeting. Tony LaBanca expressed his dissatisfaction that the TMC did not accomplish more at this budget meeting. He had hoped they could pass the Science budget. Terri Simon-Jackson said she was supportive of the budget proposal by the science coordinator they received in June. But was not supportive of changing budgets and adding projects without more technical or scientific support. Responding to Dave Hillemeier's question, she noted that the hatchery harvest evaluation was not scientifically supportable.

Bruce Bingham suggested they want to have more presentations on projects that show how they support the Program. Mike Orcutt noted the hatchery harvests efforts are an obligation to manage fisheries held in trust for the Tribes. Simon-Jackson said these technical discussions supporting hatchery and harvest were not discussed here at this TMC meeting. Bingham thought it would be good to have more discussion on adaptive management in September and how monitoring projects support this. Hillemeier again reiterated the importance of the cohort reconstruction work that would be supported by a number of the hatchery/harvest individual projects.

Discussion next moved to the next meeting scheduled for September 20-21 in Weitchpec. Don Bader suggested they meet instead in Weaverville so as to facilitate Norris and staff to be able to provide information on short notice for the continuing budget discussion. Justin Ly asked that they have more technical presentations.

Before adjourning, Ly asked if they wanted to revisit the synthesis reports. Simon-Jackson asked that they agendize discussion of preparation of the synthesis reports. Kyle De Juilio advised the TMC that without an approved Science budget today, the macro-invertebrate project would not be able to hire a graduate student from Humboldt State University. The TMC then sought a way to resolve these issues.

Justin Ly made a motion to approve the science synthesis reporting at $581,460.34.

Terri Simon-Jackson seconded the motion.

The motion failed with 6 yes votes and 2 no votes.

Voting no were Tony LaBanca and Mike Orcutt.

There was discussion about technical presentations, and Jennifer Norris noted the level of effort the staff technical specialist had already expended on decisions for projects that supported adaptive management, and asked whether the TMC's further over-riding discussions were negating the efforts of the Work Groups.

Don Bader noted that when TMC gets a "ten-minute download" on an issue with which the Technical Work Groups had already dealt extensively, and then the TMC makes a different decision, is disappointing. He suggested the TMC try to be better informed by their technical support staff before they come to the meetings.

Following this, Caryn Huntt DeCarlo proposed other items on the September agenda such as flow variability, purchase of the Junction City house, and use of drones.

Before adjourning, the TMC decided to review George Kautsky's edits for the June minutes. Once reviewed, they made a motion to approve the June meeting minutes.

Keith Groves made a motion to accept the June meeting minutes as revised by George Kautsky's edits.

Bruce Bingham seconded the motion.

The motion passed unanimously.

Don Bader again stressed that the TMC members need to provide future edits to the minutes in a timely manner.

4. Public Forum: Comments from the public

No comments.

Adjourn 4:20 pm

TRINITY MANAGEMENT COUNCIL

Special Meeting

Location: Weaverville, 1313 S. Main Street
Weaverville, CA

Agenda for Thursday July 27, 2017

Thursday July 17, 2017

Time		Discussion Leader
Regular Business:		
9:00	Introductions: Welcome Approval of Agenda Approval of June TMC Meeting Minutes	Don Bader, Chair
9:15	Public Forum: Comments from the public	Don Bader, Chair
Information / Decision Items:		
9:30	TRRP Science Budget and Other Budget Revisions	Caryn and Jenny
10:30	Break	
10:45	TRRP Budget continued	
12:00	Lunch	
1:00	TRRP Budget continued	
3:30	Suggestions for September TMC Agenda Items	Don Bader, Chair
3:45	Public Forum: Comments from the public	Don Bader, Chair
4:00	Adjourn	

Webex and Call In Information

Thursday, July 27, 2017

Meeting number (access code): 806 768 587

Meeting password: WnKP3iMT

TMC Meeting Link:
https://trrp.webex.com/trrp/j.php?MTID=ma30921445e70397955c6e48c8ca988b4

Join by phone

1-408-792-6300 Call-in toll number (US/Canada)