TRINITY MANAGEMENT COUNCIL MINUTES
Victorian Inn: Weaverville, CA
December 14, 2006

TMC Members Present: Mike Long, Chair, *USF&WS*; John Clancy (Alternate for Irma Lagomarsino), Vice-Chair, *NMFS* Brian Person, *BOR*; Bill Brock (Alternate for Sharon Heywood), *USFS*; George Kautsky (Alternate for Mike Orcutt), *Hoopa Valley Tribe*; Tim Hayden (Alternate for Dave Hillemeier), *Yurok Tribe*; Tom Stokely (Alternate for Roger Jaegel), *Trinity County*; Curtis Anderson, *CA DWR*

Non-Voting Ex-Officio TMC Member: Doug Schleusner, *TRRP Executive Director*

TMC De-Facto Secretary: Joshua Allen, *Trinity County Natural Resources Div.*

Others Present: Don Reck, *BOR*; Joe Polos, *USFWS*; Larry Hansen & Mike Berry, *CA DFG*; Loren Everest, *USFS*; Tom Weseloh, *CALTROUT & TAMWG*; Gary Seput & Byron Leydecker, *FOTR*; Elizabeth Hadley, *City of Redding Electric Utility*; Gil Saliba, *Northcoast Environmental Center/Audubon Society Liaison*; Rod Wittler, *TRRP*

The meeting was called to order at 8:40am.

Regular Business:

Introduction: Validate agenda items; approve TMC minutes from September 20, 2006

The TMC members and alternatives introduced themselves to those in attendance.

The agenda as submitted by Schleusner was reviewed for validation. A change to the agenda was made to discuss the proposed change in the way minutes are edited after lunch.

MOTION

Stokely moved to accept minutes as edited.

The motion was seconded by Anderson

DISCUSSION

There was some discussion about changes made and the length of the minutes being over 45 pages long. Allen fielded questions about how the edits are made in regards to the video he takes for archival purposes and if it was a verbatim transcript. Minutes are taken usually by Stokely who gets the gist of what is going on in writing; then Allen takes those minutes, cleans it up, paraphrases what was said in order for the minutes to make sense while capturing the intent, and clarifies motions based upon review of the video. He also stated that the videos are available for any TMC member and that TRRP receives an archival copy.

VOTE

The vote on the motion to approve the minutes was taken and was approved unanimously.

Open Forum: Comments from the public

There were no public comments at the time.

Report from TAMWG Chair

Tom Weseloh presented the letter from the TAMWG Chair, Arnold Whitridge, who was unable to attend. He expressed support for the IAP and a collective watershed presentation to the TMC. The issue of disease affecting the fishery, with up to 20% of hatchery samples with Ceratomyxa Shasta is a potentially serious issue that the TMC should be briefed on. The TAMWG is also hoping to provide policy comments on IAP from Anderson's policy memo in March. The TAMWG would like a presentation at a later meeting and the February Science workshop.

Report from TMC Chair

I appreciate the tremendous work of all the folks involved with drafting Chapters 1-3 of the IAP.

- They have put in a Herculean effort to pull the document together in a fairly short time frame.
- Showed a tremendous level of cooperation and collaboration and dedication.
- Special thanks to Curtis for representing the TMC and helping to facilitate its completion.

Thanks to Irma for heading up the Budget Process group and thanks to the group for coming up with a revised budget formulation process for FY08. I think it holds great promise and is a big step forward in collaborative budget formulation.

Thanks to Doug for continuing to juggle a hundred issues at once, and for his dedication to moving the Program forward.

Thanks to TMC members and alternates, and members of TAMWG who took the time to attend all or parts of the SAB IAP review meeting a couple of weeks ago. I found it to be very interesting and enlightening – at least the parts I understood.

Thanks to all for being flexible on the date for this meeting. We had hoped the change would allow other TMC members to attend, but the Klamath settlement talks have apparently been extended and those folks are still tied up in Sacramento.

Luckily, we have their very capable alternates with us today, so we will push forward anyway.

I have been continually stressing the three items I believe are the highest priorities for the Program:

- Completion of the IAP
- Revision of the budget process
- Agreement on roles and responsibilities of Program participants

I am very pleased that we have made great progress on the first two priorities, and we have started to work on the third.

I am supportive of Science Symposium provided it does not interfere with completion of the IAP.

We may want to take another look at the flow scheduling process given the input of the SAB on this subject.

I am going to need to try to keep the meeting rolling along today, given it is only one day, and I want to get us out of here at 4:30 because of bad weather and possible dangerous road conditions.

So, please fully participate, but please make your points concisely, and please stick to the topic at hand.

Irma strongly recommends that at least one TMC member should try to be at every workgroup meeting. This will help the TMC better understand how the work groups are functioning. This will be especially important given the new budget process.

Report from Executive Director: See attached written report

A general discussion took place about rankings within disciplines for budgetary discussions.

Schleusner stated that he is in a predicament in regards to fully integrating RIG and TMAG activities. Currently the President's Budget for FY2008 is the basis for the current planning efforts.

Morning Emphasis: *IAP Status Report, SAB Findings, and Related Policy Issues*

Information Items:

IAP Steering Committee Update: *Review SAB findings; Recommend new schedule; Review program goal and policy issues*

A PowerPoint presentation was given by Anderson. He would like to take the policy issues of hatchery, harvest, and the Klamath River to be vetted at the writing group before the TMC takes it on. The Resolution Round Table says that the TMC should resolve these issues at the lowest possible level, in this case, the writing group.

Stokely mentioned that a key policy issue is whether the TRRP is a "Grand Experiment" or a Fishery Restoration Program. The SAB appeared to be remiss to tinker with key elements that affect the success of fishery restoration (such as Klamath, harvest, temperatures, etc.). An issue is whether the program should do things that might impact the ability to measure the experiment, but would rehabilitate the fishery; should the TMC just ignore the Klamath and ensure failure of the program?

Anderson went over the schedule to complete the IAP. The steering committee appointed the "Flow Study Subgroup".

General discussion specific to responding to Stokely's comments. The IAP writing group submitted the draft IAP to the SAB and also asked for comments from the broader group. There was a time slot provided at the SAB review to present comments orally to the SAB. Stokely was the only person to take advantage of the opportunity.

A general discussion about the IAP process mentioned that written comments submitted by December 19 will be considered by the writing group.

General discussion of the goal statement for the TRRP.

Schleusner pointed out that the entities that had concerns were going to submit the draft goal statement to their legal staff for review, and then come back for a TMC vote on the statement.

Anderson suggested a TMC subcommittee to review it and bring it back to the TMC for a vote.

Schleusner noted that there is not a consensus on what the TRRP goal should be. If the goal is developed after the IAP, there may be an instance of the goal statement diverges from the IAP.

MOTION #1

Stokely moved to approve the goal statement, as it is currently written.

The motion was seconded by Hayden.

DISCUSSION

Long asked Stokely about taking such action; would it be possible to change it later?

Stokely: There is disagreement about whether or not this is important to the IAP, but it can be changed later.

Kautsky suggested not taking action today because several principal representative members of the TMC are absent.

Clancy agreed with Kautsky that moving ahead without principles would not be appropriate.

Schleusner: We are 6 years into the TRRP; there is no goal, no mission statement, and draft strategic plan on the shelf. We can deal with specific numbers for goals later if we want.

Kautsky: HVT submitted comments in early October and asked that Tribal Trust be inserted into the statement, but it is not there.

AMENDMENT

Stokely and Hayden agreed to amend the motion to include the words “Tribal Trust”.

Berry agreed with Schleusner and Stokely about adopting it now. He also expressed concerns about not voting with alternates, being that they should all be familiar with the program; alternates need authority to represent their agencies which also implies that they can vote on issues.

Long agreed with Berry on the issue of alternates. He agreed that there should be a goal statement, but putting it off a few weeks isn't a big deal. He is a bit concerned about moving ahead without a Solicitor's review due to the CVPIA PAR. He would like to have a group get together to word smith it more. He senses it wouldn't be a problem to defer it.

Stokely and Hayden withdrew the motion.

MOTION #2

Stokely moved to set up a work group to reconsider and rewrite/revise as necessary the goal statement to bring back to the TMC for consideration of approval at the March meeting.

Anderson seconded the motion.

DISCUSSION

Long: Do we have an idea of whom or at what level of staff that should be in the group? Would there be a workload concern in regards to review the IAP or budget? Would this be a sub-group of TMC members or alternates? Do you have any idea Tom?

Stokely: Well, since we're the ones who vote on it, that the TMC members should be happy it moving ahead, but I'm not set with any particulars, it could be a non-exclusionary group of whoever is interested in discussing it.

Hayden: I'd propose some kind of ground rules for the group. The key issue is, are harvest goals part of the statement included, how we develop the numbers, and they need to be reviewed at a technical level.

Schleusner: Could I suggest that rather than creating a subcommittee to develop the goal statement, that we ask each TMC member to formally submit draft goal statement to their legal counsel, with specific references to harvest numbers, get informed input instead of having people just express opinions, and get some informed input into it from each TMC entity.

Long: So Doug, it sounds like you'd need some form of motion. Instead of having the working group formed, you'd like some legal review from the entities to lead that group.

Schleusner: I would suggest to you and Brian that we send that draft to the solicitor's office for review; that tribal councils, the state of CA, and the County would do the same with their legal review. You can frame the questions and state the concerns by partners and if their people have concerns. It may be a word-smithing kind of issue, but at least we can take it to the next level.

Person: Would the version go forward with or without numerical targets?

Schleusner: I think that the version that was sent forward would not have targets in it, but the question would be there is some concern about numbers.

Person: Would the legal opinions change if targets were inserted later?

Schleusner: Maybe the group could draft the language into the letter for each members legal council so the same questions are being asked. Here's the draft goal and issues, can you please respond to those?

Kautsky: We're kind of cautious of Solicitor review to get the answer we want. The TMC can make recommendations about formulating its goals without Solicitor review. I wouldn't want to make any part of this motion contingent on Solicitor review. The Interior may chose to do that at any time, if that's their prerogative; but I wouldn't support that as a direction. The TMC should work this out. If there are policy or legal concerns then we can take it to whomever needs to review it, but for now we should do it at our level.

Schleusner: I'm just suggesting a process to follow.

Kautsky: I couldn't support the process if it requires Solicitor review.

Stokely and Anderson agree with Kautsky and are reluctant to submit it for Solicitor review.

Anderson: If folks come together to come to agreement, if not, then at least then you have something for Solicitor review.

Clancy: We should include some draft language about numeric goals. We get a better response from council that way. They don't have to be so creative in coming up with alternatives.

Long: I don't want to presuppose what this group would come up with.

VOTE

The motion was approve unanimously.

- Stokely will head up the group.
- Long will give Stokely the comments.
- The group will be comprised of Dave Hillemeier, Larry Hansen, Doug Schleusner, Mike Long, Brian Person, an unnamed HVT representative, Bill Brock, and Irma Lagomarsino.

Lunch: 12:15pm to 1:15 pm.

<u>Additional Action Item:</u>

Change in Minutes

A discussion of the minutes in regards to length and content was added to the agenda. Trinity County currently records the minutes for the TMC; although the TMC bylaws say that the TRRP is responsible for them. Stokely takes the written minutes and the rest are edited by Allen based upon review of the video. Those edits are not a verbatim transcript, but a paraphrase of what was said so the minutes make sense; if it was a verbatim transcript, there would be a lot of nonsense and incongruity. There is a need to abbreviate the minutes, which are currently over 35 pages on average, and also a need for TMC review prior to the meeting so they can be certified during its agenda item and not deferred to later as usual. There is a need to make them much less complicated and valuable. DVD copies of the meetings are available for detailed review.

MOTION #3

Stokely moved to abbreviate the minutes significantly by summarizing items, show discussion of motions, give the vote, include reports and calendars, but otherwise not go into so much detail.

Anderson seconded the motion.

DISCUSSION

There was no discussion.

VOTE

The motion was approved unanimously.

<u>Afternoon Emphasis</u>: *Work Load Priorities and Scheduling Issues for the Next Quarter*

<u>Information Items:</u>

Review Major Activities, Work Schedules, and Calendars: *FY2008 Budget Process/Status, WY2007 Flow Schedule, Science Symposium, IAP Parts 1 and 2*

Schleusner went over the Progress of Major TRRP Components in his ED Report. Currently there are two decisions to be made; the IAP Schedule and Flow Scheduling. The TAMWG recommends an abbreviated budget and flow schedule to make room for the IAP.

Stokely asked if there is an extremely wet year and higher than 10 year tributary inflows; will less than 11,000 cfs be released to avoid impacts to landowners?

Schleusner responded that when we get into unknown areas caution will always be applied.

There has been an internal BOR/TRRP coordination meeting regarding flows; the rating curves have been updated. The idea for flow scheduling is to not change the ROD hydrograph unless there is a very compelling need. It would have to be a significant deficiency (such as a fish kill) to change it. This is in order to minimize the amount of meetings and make time available for the IAP and other program needs.

MOTION #4

Stokely moved to stick with ROD flows in 2007, unless there is a "compelling need", based on a serious threat to the fishery resource, property or life to do otherwise, based on the flow process proposed by John Klochak.

The motion was seconded by Anderson.

Kautsky objected to "property" and the process by Klochak.

Stokely and Anderson agreed to change the motion to read:

Stick with ROD flows in 2007, unless there is a "compelling need", based on a serious threat to the fishery resource or life to do otherwise.

DISCUSSION

The TMAG would use this motion in the development of the flow schedule.

The County is comfortable with the flow operations as discussed earlier.

Clancy: So as a result of this discussion, would there be major proposed changes?

Kautsky: It would come down to the rules where the changes would come in. It would be based upon what has been discovered in the ROD Flows that has been rejected in regard to the hypothesis and to raise the objectives further.

Person: I understand that property was removed, but understood that a proposed flow schedule might make CVP operations uncomfortable, possibly conflict with Dam Safety releases, and there might be a change in the schedule.

Schleusner: The discretion is there in the ROD.

VOTE

7 Yeas
1 Abstention (Yurok)

The motion was approved.

Break: 3:05pm to 3:10pm

<u>Action Items:</u>

Approve Changes in Work Schedules/Priorities

General Discussion: There is some concern that the IAP document could conflict with the ROD. A high level policy review would be held to review to ensure that there isn't such a conflict, and as such, that it doesn't taint the science. Also of concern is whether or not staff has enough time to work on the IAP or is it competing work loads to juggle the work. It seems that other work is not getting done in a timely manner due to workload priority issues and other responsibilities of IAP participants. The hope is that the outcome of IAP review may bring about a science based program, but the steering will save efforts in other areas due to the need to save time.

MOTION #5

Kautsky moved to adopt the IAP schedule, as proposed, with the addition of a provision for a high level policy review to be inserted somewhere into the process, which will be determined by Person and Long.

Clancy seconded the motion.

DISCUSSION

Hayden: Earlier we said that there is a need to compress the workshops. Will there still be a scheduled workshop?

Anderson: Long had a concern that he would like to make sure that the IAP is finalized during the TMC September 2007 so it can be used for the FY2009 budget process.

Long: I'm comfortable with that, I just have a concern with TMC members freeing up resources for the IAP schedule. We need to keep tabs on the schedule.

Anderson: I know I'm being idealistic, but if we if don't have the IAP finalized, we will have the workshops where subjects are discussed, so if it does come to TMC, we have some priorities already worked out. So it should go a long ways even if finalized.

Kautsky: We're slipping where we thought we were a year ago, but the bottom line is that we are heading in the right direction.

Long: I'm confident in the process thus far.

Kautsky: Who's going to do this?

Long: Let the record show that Brian Person and I are pursuing the issue of a high level policy review.

VOTE

The motion was approved unanimously.

1st POLICY ISSUE: Roles & Responsibilities of TMAG

In terms of the TMAG, relationships are working better in the work groups to try and achieve consensus, although this is an issue that is going to come up again and again. The process works when dealing with the what, but when the IAP group gets to how and who, it's going to be an issue and needs to be addressed before we get to subsequent chapters of the IAP. An example being that when everyone comes to the table to talk about flows, the majority votes, then the TMAG considers all opinions and makes the final decision. The Subcommittee Report made a recommendation in Figure 3. The TMAG listens to all, but often times they don't listen to the minority opinion, and they then make their own independent recommendation to the TMC, which is not a role of program scientific staff. The weakness of the program prior to now be that discussions have occurred, but justification for a certain courses of action hasn't been adequately documented, along with minority opinions.

Also of concern is what happens when there are strong technical differences of opinion. Currently the field office will make the best technical recommendation to TMC when there are differences of opinion, but also to document those different points of view.

MOTION #6

Anderson moved the following:

The TMC endorses the description of the TMAG's role as outlined in the TMC Subcommittee report, page 21, Figure 3.

The motion was seconded by Stokely.

DISCUSSION

Long: It's not that I necessarily disagree with this, my preference is to review the discussion of all roles and responsibilities, but I am sensitive to the need of the IAP group to have direction as the move into the second phase.

Person: A concern has been raised, which is what brought this to the policy concerns in the first place; it's not a bad thing. We've talked about improvements in communication and cooperation. Now we have a motion that should foster that, which is not a bad thing, if what we have done helps passage of this motion. If things change, we can address that at a later date. I don't want to miss the opportunity.

Stokely: If we don't pass this motion, then I think we send the message to the TMAG that we don't want their best recommendation.

Anderson: Doug, the TMC discussed rules for work groups, where do you see those goals?

Schleusner: Those general guidelines are part of the workgroup behavior protocols and I believe that we trying to implement them. I don't think we need to restate them.

Long: If there was some mechanism that we can agree to as the TMC to follow up to see if the process is working in a few months, would be appropriate.

Schleusner: A real-time test of how it's working will be to try to get the budget passed at the March meeting will show the effectiveness of the motion and the work group efforts. Hopefully there will be documenting of consensus, which may be a reality check. We'll keep monitoring the process to see how it is working. I interpret this to be applied to all working groups including the IAP.

Anderson: I see that this could be an issue soon, so we need to wrap up roles & responsibilities.

Long: So we'd be sending two messages to the TMAG. One being we want them to exercise their expertise and two being we also want them to do it in collaboration for consensus while documenting the process.

There was a general discussion about the meaning of "consultative consensus". The reason it was written as such is that consensus means you have the option to do nothing, which is not an option for the program; hence the collaboration of consultation.

AMENDMENT

Kautsky: We should add an amendment to include language from the TMC Subcommittee report:

TMAG Staff would lead groups; technical input from TMC and TAMWG technical representatives would be provided on study needs, sampling design and strategy, and alternative hypotheses. TMAG would consider this technical input (but not required to accept input), and make appropriate recommendations to the TMC for priority study/monitoring needs, flow management, sediment management, and rehabilitation activities based on their technical review and analyses with the addition that the TMAG will strive to reach consultative consensus, and when that is not possible, will report dissenting points of view when presenting recommendations to the TMC.

The amendment to the motion was accepted by Anderson and Stokely.

The motion reads as follows:

The TMC endorses the description of the TMAG's role as outlined in the TMC Subcommittee report, page 21, Figure 3. TMAG Staff would lead groups; technical input from TMC and TAMWG technical representatives would be provided on study needs, sampling design and strategy, and alternative hypotheses. TMAG would consider this technical input (but not required to accept input), and make appropriate recommendations to the TMC for priority study/monitoring needs, flow management, sediment management, and rehabilitation activities based on their technical review and analyses with the addition that the TMAG will strive to reach consultative consensus, and when that is not possible, will report dissenting points of view when presenting recommendations to the TMC.

VOTE

The motion was approved unanimously.

2nd POLICY ISSUE: Competitive Bidding Issue

Does the TMC endorse the process for peer review and RFP/G2G contracting developed in the straw document prepared by the Senior Scientist? At issue is short-term vs. long-term monitoring. Section 7.1.4 of Appendix C of the FEIS/R, page C-27, on page c-29, section 7.2, discusses this issue (long term monitoring would go to agencies and Tribes). The SAB and independent peer review needs to be reviewed for scope of work for each project, regardless of who is doing it, as well as external review of reports submitted. The issue will finally come down to what BOR's acquisition branch in Sacramento feels is appropriate to do. The SAB said that the TMC should identify which projects should be put out to bid and which ones should not (page 29). The use of the Expert Review Panel to review the scope of work, IRP reviews proposal submitted, and conclusions.

MOTION #7

Anderson moved that the IAP writing group include a write-up of the peer review and RFP processes without regarding the competitive bid process at this time.

The motion was seconded by Hayden.

DISCUSSION

Stokely: Instead of including a write-up of peer review and RFP, wouldn't it be the peer and expert independent peer review process? Can I add this as an amendment?

AMENDMENT

The amendment to the motion was accepted by Anderson and Hayden.

The motion reads as follows:

The IAP writing group includes a write-up of the expert independent peer review and RFP processes without regarding the competitive bid process at this time.

VOTE

7 Yeas
1 Abstention (HVT)

The motion was approved.

3rd POLICY ISSUE: ESSA Funding

A general discussion about the RFP process for ESAA spontaneously occurred. There is enough funding to take ESSA through Part 1 in March. Estimates are that ESSA would need $50,000 for 2007 and $50,000 for 2008. $50k in 2007 budget is for IIMS, not ESSA and IAP work. At issue is that it's not just the period of time, but it's also the scope of work. If there was extra funding available from existing work, the program couldn't spend that funding without a change in the scope of work. However, it would probably be hard to get a modification thru March. If there is a desire to get a new ESSA contract, the TMC would have to begin taking action today to get that requisition approved by the end of March when their existing contract ends.

Does the TMC agree that we need ESSA to complete the IAP? All agreed.

Where does the funding come from? Schleusner said he can initiate the action and come back with a recommendation on where to get the funding later.

MOTION #8

Anderson moved to direct TRRP staff to start the contracting process to get ESSA on for the remainder of 2007 and 2008 for IAP completion, with the caveat that the TMC must approve the source of the funds prior to final approval of the contract.

The motion was seconded by Brock.

DISCUSSION

Clancy: There should be a recommendation of how funds will be spent. The motion addresses the issue of where the funds should come from and looks ahead as to our needs and priorities. However, we need a priority list to deal with monetary shortfalls for similar situations.

Person: The way the motion is constructed, I think we have the opportunity to hear what the cost are later.

Hayden: The IAP set the priority for the program and the TMAG sets the priority for monitoring.

Kautsky: I will vote against the motion, not because I don't think it's a priority, but because we need to know where the funds come from, so we make a better choice in the matter. I can't go on faith.

Person: The way the motion is constructive, you don't have to.

Kautsky: I know what happens in these situations. The program will come back with two to three alternatives; again we'll be stuck between a rock and a hard spot. I've heard that the continuing resolution is in a bubble. I've asked that the RIG be the source for this. We've work to get additional funds to support the Dark Gulch project, such as the RCD, which is out in 2008. I can't vote for it if it takes away $50k from the TMAG.

AMENDMENT

Person: I have a recommendation to the motion makers to entertain language to include in the motion the fact that ESSA has unique skills and experience to allow sole source contracting. Sole source are tough to fund sometimes, so with TMC support, it would make it more viable.

The motion reads as follows:

Direct TRRP staff to start the contracting process to get ESSA on for the remainder of 2007 and 2008 for IAP completion, with the caveat that the TMC must approve the source of the funds prior to final approval of the contract. A sole source contract to ESSA Technologies recognizes their unique expertise and experience in the production of the IAP.

The amendment to the motion was accepted by Anderson and Brock.

VOTE

6 Yeas
1 Nay (HVT)
1 Abstention (NMFS)

The motion was approved.

Regular Business:

Open Forum: Comments from the public

There were no comments from the public.

Calendars: Confirm next meeting date and location

The next TMC meeting will be held at the Arcata City Council Chambers on March 28-29.

Person: Don Reck will be my alternate at the next meeting.

Anderson: Larry Hanson will be my alternate.

Adjourn

MOTION

Anderson moved to adjourn the meeting.

Person seconded the motion.

DISCUSSION

There was no discussion.

VOTE

The meeting was adjourned by unanimous vote.

The TMC adjourned at 4:45pm